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OF THE

ARGUMENTS

Drawn from

Scripture and Reason,

In Dr. *SHERLOCK's*

CASE OF ALLEGIANCE,

And his Vindication of it.

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IT is the design of this Treatise to examine all the Arguments in Dr. *Sherlock's* Case of Allegiance, that are drawn from Scripture and Reason; and that the state of the Controversie may be clearly understood, I begin with

SECT. I.

The Case plainly and briefly stated.

HEre he complains, first of *the perplexing this Controversie by intermixing the dispute of Right with the Duty of Obedience*; but is it not as much *perplexed* by Separating them? Is not this the great *Controversie* between us, whether Allegiance be due to those who have no legal Right to it? And thus the Controversie is perplexed because it is a Controversie.

Then he tells us, it *seems unfit to dispute the Right of Princes, a thing which no Government can permit to be a Question*; but it seems to me unfit that Religious Oaths should be broken, and if Allegiance be due only to those who have a Right, the dispute of Right is unavoidable; and if no Government can permit it, that is no Obligation upon me to be Perjur'd.

But such disputes will carry Men into *the dark Labyrinths of Law and History*; and therefore the Doctor leads them into the inextricable *Labyrinths* of Providence. Now I think that Law and History are not such dark, unintelligible, and uncertain *Riddles* as he makes them; they were not designed to maze and blunder our Understandings, but to rectifie and inform us about Fact and Right. If *History* cannot enlighten us in Matters of Fact, then the Ages that are past are buried in Darkness and Oblivion, and all History, Sacred and Profane, is no better than Romance. If Law *be a clear and safe Rule of Conscience* only to a *very few*, why is it publish'd, and enjoyn'd, and enforc'd by Penalties upon the many? It is a contradiction to the very nature of Law, to say it cannot *be a clear and safe Rule* of Obedience; and if Law and History are clear in any thing, it is very probable they are clear in things Fundamental, and in Matters of greatest Importance and most universal Concernment. I know there are great and intricate disputes about our Constitution, and so there are about the most evident conclusions of Faith, Sense, and Reason; but Doubts and Errors do not overthrow Truth and Certainty; and if some Men shut their Eyes at Noon-day, it is no good Consequence that there is no

Sun in the Firmament, or that Light is Darkneſs.

Pag. 2. He gives a ſummary Account of the Difficulties, which they who refuſe the Oaths do labour under. *They think, that a rightful Prince only has a Right to our Allegiance; that though he be diſpoſſeſſed of his Throne, he has Right ſtill, and therefore our Duty is ſtill owing to him, and to no other, and our Oaths of Allegiance to him ſtill bind us; and that no other Prince who aſcends the Throne without a legal Right, has Right to our Allegiance; and that to ſwear Allegiance to him while we are under Obligation of a former Oath to our rightful Prince, is Perjury.* This is indeed the Principle we proceed on, though it is not *the ſum of all that can be ſaid in this Cauſe*; our Principles, I think, may be more clearly and fully expreſſed, and I propoſe them thus:

We maintain that a lawful Sovereign cannot lawfully be Reſiſted on any pretence whatſoever; and therefore cannot lawfully be Depoſed, nor conſequently be lawfully Diſpoſſeſſed; that ſuch unlawful Acts are null in themſelves, and can effect nothing; that a rightful Prince does not ceaſe to be ſo, becauſe he is wrongfully Depoſed, that his Right does remain after he is Depoſed, unleſs he renounce it by Reſignation, or loſe it by Derelict̃ion; that when this ancient Right is extinguiſhed, the Uſurper of the Throne becomes a lawful Sovereign, and has a Right to Allegiance and not before; that the Diſpoſſeſſed Prince, as long as his Right to the Government continues, has a Right to Allegiance; that Allegiance includes all thoſe Duties, which are contained in the relation of a Subject, not only Submiſſion and Obedience in things lawful, but moſt eſpecially actual Defence and Aſſiſtance againſt all his Enemies: That therefore Allegiance cannot be Sworn to an Uſurper, becauſe it is an Obligation to aſſiſt him againſt the true and rightful Sovereign, that ſuch aſſiſtance is manifeſt Injuſtice, and in them that are bound by Oath to aſſiſt the rightful Sovereign inexcuſable Perjury: And laſtly, That God's Authority is Delegated only to rightful Princes, and that Uſurpers, while they continue ſuch, have no better Title to it than even Pyrates and Robbers; and theſe I take to be the Principles of them who refuſe the Oath.

But the Propoſitions which the Doctor oppoſes to their Principles, are fairly reconcileable with them; for, 1. *We may acknowledge that Allegiance is due not for the ſake of legal Right, but Government*; and, 2. *That it is due not to bare legal Right, but to the Authority of God.* We may admit that Allegiance is due to God's Authority, and for the ſake of Government, and yet a legal Right to Government may be ſtill an evident Proof both of the Authority of God, and of a Right to Allegiance.

3. We may allow alſo, *That God, when he ſees fit, ſets up Kings without any regard to legal Right, or humane Laws:* He may do it by expreſs Revelation, and he may do it by his Providence extinguiſhing the legal Right, and ſo making the Poſſeſſor a rightful Prince, though his Right be grounded on no humane poſitive Law, but upon the Law of Nature. And, 4. It may be granted that a Prince ſo eſtabliſhed, *Is inveſted with God's Authority, which muſt be obeyed not only for Wrath, but alſo for Conſcience ſake*; and thus admitting theſe Principles to be true in ſome Senſe, it will neither follow, *That our old Allegiance nor our old Oaths are at an end*, nor that Allegiance is always due to the Powers in poſſeſſion.

But, here in ſhort, lies the Controverſie between us, whether an Uſurper who has wrongfully Diſpoſſeſſed a rightful Prince, whoſe legal Right to the Throne does ſtill continue in force, has nevertheleſs the Authority of God on his ſide, and by conſequence a divine Right to our Allegiance. The Doctor is for the affirmative, and his Adverſaries againſt it.

But firſt he endeavours to byaſs the Reader to his Opinion by obſerving, *How much it makes for the ſafe and ſafety of Subjects in all Revolutions*; and therefore, *they have reaſon*, he ſays, *to wiſh it to be true, and to be glad to* Pag. 3. *ſee*

ſee it well proved. Whether this Principle be in reality for the eaſe and ſafety of Subjects may be debated hereafter; ſuffice it here to obſerve, That eaſe and ſafety are uſually ſtrong Arguments, but only to Fleſh and Blood; Trouble and Danger do generally purſue Truth and Virtue; and if Principles may be prejudged by this *Criterion*, the *Epicurean* and the *Atheiſt* have much the better on't, and are wiſer, in their Generation at leaſt, than the *Religionary* and the *Chriſtian*. *Salus Populi* has been ever the Argument for Rebellion and Regicide; we know it is *Milton*'s Fundamental Principle; and in all Revolutions, it is as much for the eaſe and ſafety of Subjects certainly to execute the Depoſed Prince, as it is to abjure him. The ſame renowned *Author* wrote a Book for the Lawfulneſs of *Divorces*, in the caſe of a troubleſome and unſociable Marriage; and the great Reaſon that runs through his Book, is this, becauſe the Remedy of Divorce is much for the eaſe and happineſs of Mankind, and the making the Bond indiſſoluble is, ſays he, the *Changing the Bleſſing of Matrimony into a familiar and cohabiting Miſchief, at leaſt into a drooping and diſconſolate Houſhold-captivity, without Refuge or Redemption.*

Mr. *Hobbs* hath taught his Followers, that Subjects when commanded by their Sovereign to deny *Chriſt*, may lawfully obey him; *they have the Licence*, ſays he, *that* Naaman *had*, and need not put themſelves into danger for it: A Principle much, no doubt, for our Worldly eaſe and ſafety; and upon the ſame account he advanced another Principle, the ſame, for ought that I can ſee, which is maintained by the Doctor, *That the Obligation of the Subject to the Sovereign does laſt no longer than the Power laſteth, by which he is able to protect them.* In ſhort, the Temptation (for it is nothing elſe) with which the Doctor would corrupt his Reader, may equally ſerve as a perſuaſive to the denial of Chriſt, the Exiſtence of Spirits, Hell Torments, and to divers other Articles of the *Hobbian* Belief; and to a Diſcourſe concerning them, no fitter Introduction could be deviſed than this, *That thoſe Principles are ſo much for the eaſe and ſafety of Mankind, that they have reaſon to wiſh them to be true, and to be glad to ſee them well proved.* But I think it a much fairer way of procedure which the *Caſuiſts* have hitherto preſcribed: Firſt to conſider Lawfulneſs, and then Expediency, to examine what is juſt and righteous, before we enquire what is ſafe and eaſie; and if a byaſs muſt needs be clapt upon our Reaſon before we enter into Argument, I am ſure it is much ſafer for a Chriſtian to incline the Balance on the other ſide, and to ſuffer Eaſe and Safety to weigh againſt Duty and Conſcience.

And now we come to Argument, and the Doctor undertakes to prove his Opinion from Scripture and Reaſon, and from the Principles of the Church of *England*: He begins with the laſt, but that comes not within the compaſs of my undertaking, and therefore I proceed to conſider

SECT. 3.

The Teſtimony of Scripture and Reaſon in this Matter.

Caſe of Alleg. p. 10.

HEre the Doctor does premiſe, That *the Proofs from Scripture and Reaſon, muſt neceſſarily be intermixed and interwoven with each other.* But why was this neceſſary? Was it impoſſible for the Doctor to ſeparate his own Reaſons from God's Revelations? Are not Arguments from Scripture and Reaſon eaſily diſtinguiſhed? And to what purpoſe is this Confuſion of Diſcourſe, but to blunder and confound the Reader's Underſtanding; nevertheleſs he pretends *to ſet the matter in a clear Light*, and firſt he preſents us with ſome *plain Propoſitions*, as he calls them.

Lev. 24. 124.

The 1. and 2. Propoſitions, (*That Civil Power and Authority is from God, and that he gives this Power and Authority to ſome particular*

particular Perſons,) are beyond all Controverſie with the Refuſers of the Oath, and for this very Reaſon they refuſe them, becauſe they are ſure the Diſpoſſeſſed Prince had Authority from God to govern them, and they cannot be ſure that God hath depriv'd him of it.

But the 3d. Propoſition is that on which the whole Controverſie turns, and the ſum of it is this, *That every one who is in Poſſeſſion of Sovereign Power, has the Authority of God.* If this can be prov'd, the diſpute is at an end, and ſo it is likewiſe, if it cannot be prov'd. It will be evident to any one that throughly conſiders the Doctor's Book, and all the Reaſons and Arguments in it, that moſt of them muſt ſtand and fall together with this Propoſition. The Doctor has not only aſſerted it, but has endeavoured alſo to eſtabliſh and deduce it by a train of Conſequences; here he has laid the Foundation of his Diſcourſe, and therefore no doubt it has all the Strength, and Stability that ſo wiſe a Builder could give it: This is his Fundamental Propoſition, and let us impartially examine the Deduction he has made to prove it.

Page 1. *There are but Three ways*, ſays he, *whereby God gives this Power and Authority to any Perſons, either by Nature, or expreſs Nomination, or by the Diſpoſals of Providence.* Now theſe Three ways are really no more than One, for the ways of Nature and expreſs Nomination are only ſome of thoſe various ways, whereby the Providence of God has diſpoſed of Authority, and they are not therefore contradiſtinct to Providence, but comprehended in it; the World has been ever governed by Providence, and therefore there never was, nor can be, any Power or Authority, which was not derived from it. But the various Methods by which Providence has conveyed Authority, may indeed be reduced to ſome general Heads, and then, according to the Doctor's Scheme of Principles, there will be Three ways of conveying Authority, by Nature, by Nomination, and by giving Power and Poſſeſſion; but we think that a legal Right is one of the ways of Providence alſo; we are ſure that whoſoever has it, it is a Gift of Providence; and ſince a Right to a Sovereign Power implies a Right to the Poſſeſſion of it, we cannot poſſibly conceive how one Prince can have a legal Right to Poſſeſſion by virtue of God's Donation, and another, at the ſame time, have a divine Right to be the Poſſeſſor by God's Donation alſo. But let us follow the Doctor through his own ways of Providence.

Ibid. 1. *By Nature*; *Parents*, ſays he, *have a Natural Superiority over their Children, and are their Lords and Governours too; this was the firſt Government in the World, and is the only Natural Authority; for in Propriety of ſpeaking there is no Natural Prince but a Father.* Thus he plainly acknowledges that a Parent is a Natural Prince, and that in the beginning of the World the Fathers of Families had Civil Power and Authority over their Children. And now for Argument ſake, let us revive the Patriarchal Government, and ſuppoſe a Paternal Prince, as *Noah* for inſtance, inveſted with Civil Authority over his Children; ſuppoſe again, that one of his Natural Sons, let it be *Cham* for example, does by force depoſe *Noah*, and uſurp his Power, and acquire plenary Poſſeſſion of it; and ſuppoſe once more, that the Unnatural *Uſurper* requires an Oath of *Sem* and *Japhet*, and all the reſt of the Family, wherein they muſt Swear, That they will live in Obedience to *Cham*, and ſupport his uſurped Power, and contribute their Prayers, Purſes, and Arms, to oppoſe their Father *Noah*, and to kill him if he endeavours to recover his Paternal Power; what ſhould *Sem* and *Japhet* do in this Caſe? Do, ſays the Doctor, they muſt Swear, and Pray, and Fight for the Uſurper, againſt their Natural Father, for though *Noah* has a natural Right, *Cham* has a divine Right, he Reigns by God's Authority, and that may certainly be defended againſt all Perſons whatſoever. Thus this Principle in its Conſequences, is much worſe than the *Corban*, for it teaches Children not only to deny Maintenance, but actually to mur-

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ther their natural King and Father, and it glosses away the Precept of Honouring Parents into a License to destroy them; but, I think, that God did never authorize either Parricide or Usurpation.

On the contrary, If in the Case supposed it can never be lawful for Children to forswear, oppose, and to destroy their Parents, when they seek only to recover their Rights of which they are wrongfully Dispossessed; if natural Fathers can never cease to be such, and their Authority is Inalienable without their own Consent, and if the mere Possession of it by an Usurper does not entitle him to the full Allegiance of the Children; what reason can then be given why Civil Authority in a legal Father, which is the same with that of a Natural, should not be equally Perpetual and Inalienable also? Why should Dispossession extinguish this Authority in one Father, when it does not in the other? If Providence does superinduce a divine Right over a legal Right, upon the same Grounds it will destroy a natural Right, and if it be lawful for Subjects to bind themselves by Oath to act for an Usurper against their political Father, than may Children in the same Case oppose their natural Father in the Prosecution of his natural Rights: But I appeal to the Sense and Reason of Mankind, whether such an opposition would not be highly Wicked and Unreasonable, and yet the Doctor's Principle will serve to justifie it.

2. His next way is, *By particular Nomination, and thus God made Kings in* Jewry. But this nominated King I leave in better Hands, with all the Arguments and Evasions that belong to him.

Ibid. 3. He proceeds to tell us, *That God ruled in all the other Kingdoms of the World as well as in* Jewry, *and all other Kings ruled by God's Authority, as well as the Kings of* Judah *and* Israel, *who were advanced by his Command*; and if any one doubts this, it is evident out of *Daniel*, *That the most High ruleth in the Kingdoms of Men, that he removeth Kings and setteth up Kings, and that he gave to* Nebuchadnezzar *a Kingdom, Power and Strength, and Glory*, (yet he afterwards owns that *Nebuchadnezzar* was made King over the Jews by God's express Command) and if all this be not evidence enough, *For Prophecy of the Four Monarchies a Demonstration of it*. I have consider'd this Prophecy as it is Recorded in *Daniel*, and any one else, that considers it, will find that it contains only a Prediction of great Revolutions in the Governments of the World; but, I hope, the bare Prediction is no Demonstration, That the Accomplishers of it had the Authority of God to legitimate the unjust Invasion and Possession of the Rights of others. There are *great Writers* who affirm the Kingdom of *Antichrist* is foretold in that Prophecy, and it is undeniably foretold (if the great Beast be Antichrist) in the *Revelations*; Is *Antichrist* therefore to reign by the Authority of God? Indeed the Doctor's Arguments do prove it, but that is a plain Demonstration that they are Fallacious. Was the Crucifixion of our Saviour by God's Authority? And yet that was Prophesied also. May not Usurpation against God's Authority be as well Foretold, as the Delegation of it? If the Introducers of the Four Monarchies were Usurpers, the Prediction of them is no Proof of a divine Commission, and if the Doctor can demonstrate such a Commission out of *Daniel*'s Vision, I will undertake to demonstrate it in the behalf of *Antichrist* also. In the mean time, we deny not that God governs in all the Kingdoms of the World, and that he removeth and setteth up Kings as he pleaseth; we maintain that all rightful Kings do rule by God's Authority, as much as if they were expressly Nominated, and we believe farther, that God cannot be the Author of Wickedness, and that he gives not his Authority to Usurpation and Injustice.

But now, saith the Doctor, Pag. 12. *God governs the rest of the World, removeth Kings, and setteth up Kings, only by his Providence*. This Proposition he explains thus; *Then God sets up a King, when by his Providence he advances him to the Throne, and puts the Sovereign Authority*

into

puts his Hands; then he removes a King, when by his Providence he thrusts him from the Throne, and takes the Government out of his Hands. The Propoſition then, according to the Author's Senſe, is to be underſtood in its utmoſt latitude, That whoſoever is by Providence advanced to the Poſſeſſion of Sovereign Power, is made a King by God, and whoſoever is deprived of it by Providence, is depoſed by God. But this is ambiguouſly propoſed, and is true in one Senſe, falſe in another; and this ambiguity will be evidently expoſed by this parallel Propoſition; That God does then give a Man an Eſtate, when his Providence puts him in Poſſeſſion of it, and he deprives a Man of an Eſtate, when by Providence he is Diſpoſſeſſed of it: It is certain that God governs every thing in the World, as well as Kingdoms by his Providence, and if *all Events*, then certainly the Diſpoſſeſſion and Poſſeſſion of an Eſtate muſt be aſcribed to it. And therefore the Propoſition is true in this ſenſe, that as far as God's Providence is concerned in the diſpoſal of an Eſtate, he may be ſaid to take away or give it. But it is manifeſtly falſe in this ſenſe; that whoſoever has by Providence the Poſſeſſion of an Eſtate, has a divine Right to it by God's Donation. A Thief has by God's Providence Poſſeſſion of honeſt Mens Properties, and in ſome ſenſe it is God that gives it him, but it was never yet thought that he had a *jus Divinum* to them. The *Sabeans* drove away *Job's* Oxen, and yet he acknowledged that the Lord had taken them away; but it would be a ſtrange Commentary upon the Paſſage to ſay, That the *Sabeans* had God's Authority to keep them.

And by Analogy to this parallel Caſe, the ambiguity of the former Propoſition may be eaſily unfolded. It is true that God removes and ſets up Kings in the ſame ſenſe as his Providence does advance or dethrone them; but it is falſe, that whoſoever is in any ſenſe advanced to a Throne by Providence, is ſet up by God, ſo as that he has God's Authority to keep it: For it is undeniably evident that Providential Poſſeſſion is no Argument of divine Authority; and therefore though it be granted, That *God now governs the World, and ſetteth up Kings only by his Providence*; yet it will by no means follow, that every one who is ſet up in any ſenſe by Providence, has Authority from God; for then it would follow, that Pyrates and Robbers have his Authority alſo.

But here the Doctor leads me into a Digreſſion about Providence, and becauſe the whole Controverſie depends upon the right underſtanding of God's Providential Concurrence in all Events and Actions; it is neceſſary to attend him through it.

Providence he defines to be, *God's Government of the World by an inviſible Power, whereby he directs, determines, over-rules all Events to the accompliſhment of his own Will and Counſels*; and to avoid Cavil we admit the Definition. There is a known Diſtinction between the *permiſſive* and the *effective ordering and authorizing* Providence of God, and there is evident Reaſon and Neceſſity for it; for otherwiſe we muſt fooliſhly charge God with being the efficient Cauſe and poſitive Author of all the Wickedneſs in the World. But the Doctor will not allow the Diſtinction in the Caſe before us, and his Reaſon is, *Becauſe it does not relate to the Events of Things, but to the wickedneſs of Men, and though God cannot be the Author of any Wickedneſs, yet he is the Author of all Events which happen to private Perſons or Societies*; and the Conſequence which he draws from this Doctrine is, That the Uſurpations of Government are not only permitted, but are effected and authorized by it. To lay open the falſhood of this Doctrine, it is neceſſary to obſerve how the divine Providence is converſant about Wickedneſs.

Caſe of Alleg. p. 12.

Ibid.

Before it is accompliſhed, Providence is concerned only in prohibiting and hindring the Commiſſion of it; this is to be underſtood only of moral Impediments, ſuch as are conſiſtent with our natural Liberty, and are not irreſiſtible. And here a Di-

a Diſtinction is made between the internal and external acts of Sin, between an act of Wickedneſs as it lies in the Mind, and the outward Execution of it; the former is never hindred by Irreſiſtible Power, for that would deſtroy the very nature of the Will; but Providence does often lay ſuch effectual Reſtraints upon the execution of Sin, that it is impoſſible to effect it, and when God does not by the interpoſition of his Power hinder a wicked event, or the external act of Wickedneſs, than his Providence does give it a negative Permiſſion, becauſe it does not poſitively prevent it.

The acts of Providence which are converſant about Sin, in the very act of Commiſſion, are the conſervation of our Being and Powers, whereby we are capable of committing it; *The direction and overruling of it to the accompliſhments of his own Will and Counſel*; and the determining or reſtraining of it within certain bounds and limits; and laſtly, after the Wickedneſs is committed, the acts of Providence about it are the Puniſhment or Forgiveneſs of it. Theſe are the acts of the divine Providence in relation to Sin, and from this account it is manifeſt, that the Providence of God which prohibits, hinders, over-rules, reſtrains and puniſhes Sin, does neither effect nor authorize it.

But though God be not the Author of Sin, yet the Doctor aſſerts him to be the *Author of all Events*; then ſay I, it unavoidably follows, that he is the Author of all the Wickedneſs that ever was, or can be committed in the World; for it is evident that all wicked Actions, when accompliſhed, are Events; and if God be the poſitive doer of all Events, he is infallibly the doer of all wicked Actions. Was not *Abſalom's* Inceſt an Event, as well as his Uſurpation? Was not *Cromwell's* Murther of King *Charles* an Event, as well as the Poſſeſſion of his Power? Are not all Murthers, Inceſts, Robberies, and all other Villanies that have been ever acted under the Sun *Events*? And that we may be convinced of the lawfulneſs of Swearing, muſt we now blaſphemouſly conclude, that God is the Author of them? Two Evaſions may be made uſe of to elude this Conſequence.

1. The old Diſtinction between an Action in it ſelf, and the Obliquity and Vitiority of it. But it is evident that in theſe actions, which are evil in themſelves, as Blaſphemy, Adultery, Oppreſſion, and Uſurpation, the act and the obliquity, though they may be conſidered ſeparately, are yet really, and in the nature of the thing inſeparable; (for who can commit Adultery, and be free from all Wickedneſs in it;) and therefore ſeeing they are inſeparably united, he who cauſes the act is the cauſe of the obliquity, as he that kindles a fire is the cauſe of burning.

2. It may be replied, That by *Events* the Doctor underſtands the direction, or the ſucceſs of Deſigns and Actions, as it makes for the good or evil of private Men, or publick Societies. He acknowledges, *That God cannot be the Author of any Wickedneſs, and* Ibid. *therefore we ſay he only permits it; but then when it comes to action he over-rules it, and he either diſappoints Mens wicked Deſigns, or gives ſucceſs to them, when he can ſerve the Ends of his Providence.* But ſtill the ſame Conſequence will return upon him; for if God does not only permit, (for a Permiſſive giving of Succeſs will here ſignifie nothing,) but does poſitively *give Succeſs* to Wickedneſs, then he is unavoidably the Author of the wicked Event, or Action; for the ſucceſs of a wicked Deſign, is nothing elſe but the actual accompliſhment of it, and if God be the poſitive accompliſher of all Wickedneſs that is actually committed, he is evidently the poſitive Author of the actual Commiſſion of it: As for inſtance, whoever accompliſhes, or gives ſucceſs to a Plot of Murther or Adultery, is undeniably guilty of the actual Commiſſion of them. It is true, that God's Providence over-rules all the Deſigns and Succeſſes of wicked Men to good ends and purpoſes, to the good and evil of private Perſons and Societies; Puniſhments and Bleſſings do proceed from his Will, and there cannot be *an Evil in the*

Ezry, and the Lord hath not done it; he hath *done it*, by not hindering wicked Men from accomplishing their Designs, and he hath *done it*, by directing their Wickedness to the punishment of the wicked.

But if this be all the Doctor's Meaning, that Providence does onely direct the wickedness of some Men to the good or evil of others, then it will follow, 1. That this cannot be sufficient to make God the Authour of all Events, and consequently that can be no Argument to authorize an Usurpation: And, 2. It is evident that the providential Direction of any wicked Event to the good or evil of Mankind, can be no proof of the conveyance of God's Authority. The using of an evil Instrument to a good End, and a divine Commission, are things easily distinguished, and it is easie to shew the inconcludiveness of this arguing by many Instances. God makes use of Persecutors to chastize his People, Have they therefore God's Commission to doe the Work of the Devil? Even the Devil is his Instrument to good Ends and Purposes, and God orders and over-rules his Wickedness to accomplish them, Has he therefore God's Authority to govern us, and when God gives him Power, are we bound to pay Obedience? The Doctor argues, *That all Events are ordered by God to the good or evil of private Persons, as well as Societies*. Thus the Events of Robbery and Murther are often directed by Providence to the good and evil of private Men, and sometimes of Societies, but is this a Proof that Murtherers and Robbers have God's Authority? The Incest and Usurpation of *Absalom* were equally from God's permissive Providence, and were alike ordered by God as a punishment to *David*, had he therefore a divine Commission to lie with his Father's Wives, and to usurp his Throne? For the one undoubtedly as much as the other, and much the same as have all other rebellious Sons and unnatural Usurpers. The summ is this; if God be the Authour of all Events, then he is the Authour of all wicked Actions; and if he is not, the over-ruling them to good Ends is no Commission of Government; and therefore the Doctor's Argument thus far does either border upon Blasphemy, or is nothing to the purpose.

However the Doctor thus pursues it, *If there were any such distinction as this, that some Events God only* Ibid. *permits, and some he orders and appoints, we ought in reason to ascribe the Advancement of Kings to God's Decree and Counsel, because it is the principal Act of Providence which has so great an Influence upon the Government of the World; and if he decree and order any Events, certainly he peculiarly orders such Events as will doe most good, or most hurt to the World; he must with his own hand immediately direct the Motions of the great Wheels of Providence, and not permit them to move as they please themselves.* The Doctrine here delivered is this: That all great Events, such as have an influence upon the Government of the World, are God's Order and Appointment, his Decree, his Counsel, and his Positive Doing. Strange and prodigious Doctrine from a Divine of the Church of *England*! for are not all the great Villanies of the World great Events? Are not all Insurrections and Rebellions, the Murthering of Kings, the Desolation of Kingdoms, the Destruction of Millions of innocent Persons, and the infinite Barbarities that are committed in unjust and impious Wars, are not all these Events, and such Events as *doe most hurt to the World, and have a great Influence upon the Government of it*? And must it not then be said, that lesser Wickednesses are fit to be acted by miserable Men, but the great and flagrant Villanies are the peculiar Works of the Almighty. How *the Hand of God does direct the great Wheels of Providence*, is to us incomprehensible, but this we can fully comprehend, that God is no more the Authour of greater than of lesser Villanies; he did not move *Absalom* to usurp upon *David*, nor *Athaliah* upon *Joash*, he directed neither the Hearts nor Hands of *Jacques Clement* and *Ravillac* to assassinate the two *Henries*, nor did he order and appoint our English Regicides to execute the Royal Martyr upon a Scaffold.

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It is a falſe Notion of Providence to think it is more concerned about greater than about leſſer Affairs: Providence has as much to doe with Beggars as with Princes, with Families as with Kingdoms; and it numbers up all the Hairs of our Head, as well as the Deſtiny of Empires. All Nations are before God as the ſmal Duſt of the Balance, and are counted leſs than nothing; neither is there any difference of great and little, as to Omnipotency and Immenſity. Events therefore are not peculiarly to be aſcribed to God, becauſe they appear great to us; and the Reaſon why ſome Events are ſaid to be permitted, and others to be cauſed by God, is not becauſe they are great or little, but becauſe they are morally good or evil. If Uſurpation of another's Right be a thing evil in itſelf, God muſt be equally diſcharged from being the Authour of it, in the caſe of a Cottage and a Kingdom. God may permit, and may decree the Depoſition of a King, as a juſt Puniſhment from him, who is righteous in all his Judgments, and he knows how to effect it without wicked Inſtruments; but if he makes uſe of ſuch Inſtruments for the execution of his Judgments, if he puniſheth a lawfull King by the Rebellion of his Subjects, or the Uſurpation of his Throne, Have the wicked Inſtruments therefore the Decree and Appointment of God to authorize them? Or, is the Uſurpation any more from God than the Rebellion?

Nay farther, he may decree to advance a private Perſon to the Throne, as he decreed to advance *David* and *Jeroboam*, and God can certainly effect ſuch a Decree by lawfull ways, as by the Extinction of all former Titles; but if the Perſon whoſe Advancement is decreed expects not till Providence opens a lawfull way to the Aſcenſion of the Throne, but aſcends it himſelf by the way of Uſurpation, can the ſecret Decree of God either juſtifie his Uſurpation, or give him Authority to continue it? Shall we ſay that God mov'd him to this Wickedneſs? or not rather, that his Wickedneſs and his Advancement are only from himſelf? God decreed to make *David* King, yet after the Decree was revealed to him, he accounted *Saul* as God's King, and he patiently waited till God made him a lawfull Sovereign, by the Extinction of the former Title. But *Jeroboam* anticipated God's Covenant, and advanced himſelf to the Throne by Rebellion and Uſurpation; and therefore he is generally branded as an Uſurper, and of him among others, it is thought that God himſelf hath ſaid by the Prophet, *They have ſet up Kings, but not by me.* God decreed to raiſe *Joſeph* to great Dignity in *Egypt*; but if *Joſeph* had wickedly uſurped that Power or Wealth which was the Right of another, Could it then be ſaid, that God's Decree did give him Authority to keep it, any more than it did to his Brethren to ſell him to the *Midianites*? Thus would it be, if the Decrees of God were made known to Men; and much more is it ſo, when his Decrees are ſecret and unſearchable, and cannot poſſibly be known before they are accompliſhed. A Diſtinction there muſt be, between God's decreeing the Poſſeſſion of a Throne to a Perſon, and giving him Authority to poſſeſs it while it is the Right of another; for otherwiſe the Decree of God muſt give Authority to Injuſtice. However nothing is effected by the Providence of God, but as it was decreed by him; and therefore when any wicked Event does happen, ſince it happens onely by the permiſſive Providence of God, the antecedent Decree about it muſt be permiſſive alſo. We can never know whether God's Decrees be permiſſive or authoritative, but from the nature of the Events decreed; we are certain he onely permits Wickedneſs, and he decrees onely to permit it; and therefore if the Poſſeſſion of a Power which is the Right of another be Wickedneſs, we are ſure that God's Decree and Providence about it are merely permiſſive, and are conſequently far from being Arguments of Divine Authority. But to return to the Doctor:

He endeavours to ſupport his Argument by Providence, by re- p. 13. membring, *That Kings are God's Miniſters and Lieutenants, and are inveſted with his Authority; now to give Authority to*

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any Person, does not signifie to permit him to take it, and we cannot but think that God will exercise a particular Providence in appointing his great Ministers. Under the word *Kings* he comprehends *Usurpers*; and here the Doctor would conjure us into a Circle. He undertook to prove that all Usurpers do rule by God's Authority, because they are advanced by his Providence, and now he remembers that they are invested with his Authority, and from thence he argues that they are advanced by his Providence. But the Doctor remembers what he has not proved, that all Kings (comprehending Usurpers) are invested with God's Authority. This we positively deny, as being here precariously asserted, and therefore the Assumptions and Inferences that follow ought to pass for nothing. But behold his Subtilty! *No Man can have God's Authority but he to whom it is given; and if the advancement to a Throne invests a Prince with God's Authority, then God gives him the Throne, and does not merely permit him to take it.* If the Supposition were well proved, the Consequence would be never doubted; but the Reason on which he grounds it, is either not true, or not pertinent. *For no Man can take God's Authority, but it must be given by him.* The gift of God does generally imply a conveyance of Right by divine Donation, and in this sense his Affection is manifestly false; for *all Authority is God's*, and whenever Men do assume Power and Authority, which they have no Right to exercise, (as for instance all Usurpers, Rebels, Pyrates, Robbers, and Schismatical Preachers,) it is evident they usurp that Power and Authority which God never gave them. But sometimes God is said to give a thing, when Providence so orders it, that Men have Power to take it. Thus did God give *David's* Wives to *Absalom*, as the Prophet had denounced; but this Permissive gift did by no means authorize and legitimate his Incest with them; and in this sense it is true, That *no Man can take God's Authority, but it must be given*; that is, no Man can usurp it without God's Permission. But in this sense his Proposition here is insignificant; for a Permissive gift is as good a Charter for Thieves and Cut-throats, as it is for Tyrants and Usurpers.

Nay, says the Doctor, *Since* Ibid. *God makes Kings now not by an express Nomination, but only by the Events of Providence, we must not allow that God at any time permits Men to make themselves Kings, whom he does not make Kings; for then we can never distinguish between Kings by the Permission, and by the Appointments of God, between God's Kings and Kings of their own making.* Then in other words he repeats the same Assertion, and concludes, That *there is no direction how to distinguish them, and the Events of Providence in placing them in the Throne, are the same in both.* Here the Doctor will not distinguish against his own Hypothesis; but why may not the Permission and Appointment of God be as easily distinguished in the advancement of Kings, as in the success of Pyrates and Robbers, or in any other Event whatever? Since the only way whereby God does now give Riches and Estates, is the disposal of Providence, can we therefore never distinguish between the Possessing them by the Permission and by the Appointment of God? Does the forger of a Will hold his Estate by divine Appointment, or the Thief the purchase of Robbery? If we cannot distinguish in such Cases between God's Permission and Appointment, Justice must leave the Earth again, and a divine Right may be pleaded for all the Injustice in the World. But if that distinction be allowed in private Property, why should it not be admitted in the right of Sovereignty also; the Reason is the same in both, for God can never be the Author of any Wickedness, and as long as the Possession of any thing is unjust or wicked, we may be sure that Providence only permits it.

But, saith the Doctor, *There is no direction how to distinguish* between Kings by Permission and by divine Appointment, *and the Events of Providence are the same in both.* If he means direction in Scripture, he knows we are directed there to *render every*

every Man his due; and not only Scripture, but the Laws of Nature and Nations do direct it also. But though Scripture is no Code of Political Laws and Rights, yet we want not sufficient direction to determine us in paying every one his due. Political Laws and Constitutions are the Rule of Civil Rights, and they direct us how to distinguish between unjust and just Possessors, and the light of Reason and Scripture does assure us, That an unjust Possession is only permitted by God, and not appointed and authorized by him. We have as plain a direction how to distinguish about the Possession of Sovereignty as of private Property, or as we have to distinguish between the Usurpers of God's vindictive Justice, and the lawful Administrators of it. Vengeance is God's, and his Vicegerents, but it is often usurp'd by Murtherers and Rebels, they invade it by God's Permission only; but the Laws of Nations teach us how to distinguish them from God's Vicegerents; and if we have directions to distinguish when one branch of Sovereignty is permitted to be Invaded, when the whole is Invaded will not the same directions serve? Or is it easie to distinguish in lesser Usurpations, impossible in greater.

But when a legal Prince and an Usurper are advanced to a Throne, *The Events is also same in both.* The Events considered, as Natural actions, may be the same, but as Moral, they may be as easily distinguish'd as any Moral good and evil. Adultery and Conjugal Copulation, just and unjust Possessions, the executions of Magistrates and Cut-throats, the Beheading of *Charles* the First, and the Beheading of *Monmouth*, in all these actions the Event, considered Physically, is the same; but, I hope, it is easie to distinguish in these Cases between Lawful and Unlawful, Permission and Appointment. So it is in the advancement to Sovereignty, when King *Charles* and *Cromwell* were advanced, the Event, to wit, the Possession of the Sovereignty was the same; but every Church of *England* Man, in those Days, could easily distinguish between God's Sovereign and the Devil's. In short, we can never distinguish Permission and Appointment by bare Events, but only by the moral Circumstances which denominate them good or evil.

Consequently since Providence it self must be distinguished by the rules of good and evil, it necessarily follows that Providence of it self can never be a rule to us. The only rule of our Actions is Law, either Positive, Divine, Natural, or Humane; but it is impossible that Providence, abstracted from the Consideration of the moral Nature of Events, should be a Law to us, because it declares not the preceptive Will, or that Will of God which must be a rule to our Actions: Whatever Providence works, or is the Will of his good Pleasure, we must follow that Will which God has signified to us, either in written or unwritten Laws. God has never prescribed the Dispensations of Providence as a rule to us; they are often Unsearchable and above our Comprehension, but in no Case can we understand what God permits, and what he effects and authorizeth, but by the Moral nature of Events. Providence it self must be measured by the rules of good and evil, and therefore those must be the ultimate rules of our Practice. To conclude, Though Success (which is but another word for providential Events) be a good Argument of God's Approbation and Authority among the Disciples of the *Alcoran*, I think, it can be none among the Disciples of *Christ*; I am sure it cannot be found in the Volumes of his Religion.

Thus I have considered what the Doctor has advanced about Providence; now, says he, *The necessary Consequence is this; that by what means soever any Prince ascends the Throne, he is placed there by God, and receives Authority from him.* And let the Reader judge, whether the Premises to this Consequence be sufficiently proved or confuted. The summ of his Proof is this, That God now governs the World only by his Providence, (which is false if it exclude his Government by Laws, and however is no Proof that every Usurper does Reign by God's Authority,) that all Events are from God, and especially great Events,

(which is to charge God with all the Wickedneſs in the World,) that no one can uſurp God's Authority, unleſs God does give it him, (which is confuted by all Murthers and Rebellions;) and, laſtly, that we cannot diſtinguiſh between Kings by Permiſſion and Appointment, unleſs all Poſſeſſours of Sovereignty have God's Authority, (which may as well be ſaid of all other Poſſeſſours; and contains no difficulty at all, it being as eaſie to diſtinguiſh Permiſſion and Appointment, as lawfull Princes and unlawfull.) This is the ſumm of his Diſcourſe upon the third Propoſition, and let the Reader judge how well he has demonſtrated it. I need not here reflect on his ſeveral ways of conveying God's Authority to Princes, Election, Succeſsion, and Conqueſt or Uſurpation. Theſe will be conſidered hereafter; ſuffice it here to obſerve that there are in general but two ways whereby Princes are advanced by God, Permiſsion and Appointment, this the way of Rightfull Princes, and that of Uſurpers.

We are come now to his 4th Propoſition, *viz.* *That all Kings are equally rightfull, with reſpect to God*; which is juſt as true as this Propoſition, That all Men are equally righteous with reſpect to God, or that with God there is no difference between good and evil; or, that with reſpect to God, the Thief and the lawfull Proprietor are equally rightfull Poſſeſſors. But let us conſider how he proves it: *It is impoſſible there ſhould be a wrong King, unleſs a Man could make himſelf King whether God will or no.* The ſame Aſſertion with that which is confuted allready, *That no one can take God's Authority, but it muſt be given him:* And may it not be ſaid with equal Reaſon, that all Men muſt be made wicked by God, unleſs Men can make themſelves wicked whether God will or no? Or is it impoſſible there ſhould be a wrong Poſſeſſour of any thing, unleſs a Man could make himſelf a Poſſeſſour whether God will or no. He proceeds thus, *The whole Authority of Government is God's, and whoever has God's Authority is a true and rightfull King, for he has the true and rightful Authority of a King.* But is not every Branch of Sovereign Authority God's, if the whole Authority of Government is his? Does not every Murtherer uſurp the Power of the Sword, the principal Branch of that Authority? And is the Exerciſe of that Power rightfull with reſpect to God, or is the Murther committed by God's Authority? Having God's Authority is an equivocal Expreſſion; it may be had by Commiſſion, as rightfull Princes have it, and it may be had by Permiſſion, as Aſſaſſines, Rebels, and Uſurpers have it; and ſuch a manner of having will never make the Poſſeſſion rightfull, either before God or Men. To ſpeak properly, the Uſurper has not God's Authority, he has Power or Force, and ſo has the Murtherer, but that is not Authority; and yet becauſe they exerciſe a Power which it is not lawfull to exerciſe without God's Commiſſion, abuſively and improperly they may be ſaid to have his Authority.

Prop. 5. *The Diſtinction then between a King* de Jure, *and a King* de Facto *relates onely to humane Laws which bind Subjects, but are not the neceſſary Rules and Meaſures of the divine Providence.* Ibid. This Diſtinction relates to humane Laws, juſt as does the Diſtinction in all other Caſes between Right and Wrong. Humane Laws do declare and determine what is right, and the Law of God does eſtabliſh and confirm the Law of man about it. Thus he who has a Right to an Eſtate by the Law of the Land, has a Right to it by the Law of God, and is the rightfull Proprietor, with reſpect both to God and Man. If it were not ſo, the Invaſion of another's Property could be no Sin; it could not make a man guilty before God, nor obnoxious to his Vengeance, if it were no Tranſgreſsion of his Laws. In private Dominion therefore the Diſtinction of a Poſſeſſour *de Jure* and *de Facto*, relates to divine as well as humane Law; and why ſhould it not then in the caſe of politick Dominion and the Poſſeſſours of Sovereignty? Shall private Injury be a Breach of Divine and Humane Laws, and an Injury to God's Vicegerents be an Offence only againſt the Laws of Men? Does not the Sanction

Sanction of God eſtabliſh the Rights of Sovereigns? Or does his Law take care of Oxen, and not of Men, of private Men, and not of Princes? What can be the Reaſon of this Prerogative of private Rights above the Rights of Princes? Is it becauſe *Humane Laws are not the neceſſary Rules and Meaſures of Providence?* Does not Providence diſpoſe of them? And is it bound to humane Laws in reſpect to Property, and free in reſpect to Sovereignty? Humane Laws are not the adequate Rule of Providence, for many things come to paſs in God's Government of the World, which cannot be regulated by them; and yet God's Providence does govern political Societies by political Laws, ſometimes it makes a Law void by extinguiſhing the matter of it, but it never directly abrogates it; for as long as humane Laws are Laws, they do continue to bind Subjects, they are the neceſſary Rules and Meaſures of their Actions, and have the Sanction of divine Authority to enforce them.

Let us conſider how the Doctour illuſtrates and confirms his Propoſition: *In hereditary Kingdoms*, ſays he, *a rightfull King is he who has by Succeſſion a legal Right to the Crown, and he who has Poſſeſſion of it without a legal right, is a King* de Facto, *a King, but not by Law*: That is, he is an unlawfull King, or an Uſurper. Now if this Law which creates a Right to the Crown be truly and properly a Law, then it is certain the Authority of God confirms it; and conſequently the King *de Jure*, having his Right eſtabliſhed by the Law of God, the Uſurper cannot claim by virtue of it; if the legal and divine Right be in another, it is manifeſt he has neither, and muſt be a wrongfull Poſſeſſour with reſpect to God and Man; but if the Law of Succeſſion be no Law, the talk of a King *de Jure* is Banter, and there is no ſuch thing as Right or Law in the World. Ibid.

The Dr. acknowledges, that *Subjects are ſo tied up by the Conſtitutions of the Kingdom, that they muſt not pull down or ſet up Kings contrary to the Laws of the Land; but* (he adds) *God is not bound by humane Laws, but can make whom he pleaſes King, without Regard to legal Right.* This is liable to many Reflections. Ibid.

1. He grants that Subjects muſt not *ſet up* illegal Kings, therefore they muſt not ſet them up, by giving their Conſent to the Advancement of them; and yet he affirms afterwards, that Kings *de Facto* are not ſet up by God till they are ſettled, and that they are not ſettled till they have the Conſent of the Subjects. Thus the Reſult is, That God can never ſet up Kings againſt Law, for Subjects muſt not ſet them up by their Conſent, and there is no other way to doe it.

2. If Subjects muſt not, is it lawfull for others to advance them? May Foreigners lawfully ſet up Kings over others? Who made them Judges or King-makers in other Kingdoms? Or how can they prove any Commiſſion from God to doe it? Thus it can be lawfull for no ſort of Men to be Inſtruments in ſetting up illegal Kings, and therefore they muſt be ſet up by God's Permiſſion onely; for when wicked Actions are done by wicked Inſtruments, it is certain he onely permits them.

3. If neither Subjects nor Foreigners can lawfully ſet up Kings againſt Law, how ſhall Providence doe it? God muſt either ſet them up without Inſtruments, which he never did nor will doe, or he muſt allways ſet them up by wicked Inſtruments, and then it muſt be ſaid, that God can lawfully ſet up Kings, but never by lawfull means; and whether this be not derogatory to the Goodneſs and Juſtice of his Government, let every one conſider.

4. Whereas he affirms, that God can make Kings without regard to legal Rights, why may it not be as well ſaid, that he can make Marriages, or legitimate Baſtards, or create Judges, Conſtables, and Freeholders againſt Law? No doubt he can doe all this by an expreſs Revelation of his Will, and ſo he can make Kings againſt Law, by expreſs Nomination. But providential Events are by no means equivalent to it; the unjuſt Poſſeſſor of another's Freehold, is in ſome ſenſe a Freeholder by Providence; but

but that can be no barr to an Ejectment by Law; and ſo it is in the unlawful Poſſeſſion of *Sovereignty*; God's Providence does not Abrogate the legal Right, nor make an Ejectment unlawful. As I ſaid before, the Matter of humane Laws is often Subſtracted by Providence, and ſo is the Matter of divine and natural Laws; but Providence does no more act againſt thoſe than theſe. The bond of Law is the Authority of God, and God is the Author of Political Society, and the eſtabliſher of Law, which is the Soul and Cement of it; and therefore to ſay he deſtroys it by his Providence, is to repreſent his Providence as Subverting his Authority, and to make him not the God of Order, but the God of Confuſion.

Ibid. Prop. 6. The ſumm of it is this, *We can have but one King at a time, and therefore our Allegiance can be due only to one King.* By King he means the Poſſeſſor of the Throne; ſo that this Propoſition is a very wonderful Diſcovery, that two oppoſite Kings cannot at the ſame time poſſeſs the ſame Throne, which is as clear as that they can't be in the ſame place together, or that two [illegible] cannot be one Man; this the *little Writers* can eaſily comprehend; and if it were as clear that Allegiance is always due to the Poſſeſſor, the Controverſie would be at an end between us.

Ibid. Prop. 7. *He is our King who is ſeated in the actual Adminiſtration of Sovereign Power*; this we deny to be true, in our ſenſe of King, and his ſenſe of Settlement. But *King*, he ſays, *is the Name of Power and Authority not of mere Right.* Then the ſenſe of the Propoſition is this, He has Power and Authority over us, who has the Adminiſtration of Power and Authority over us; but if the Doctor will aſſume an Authority over Words, it is not for me to contradict it. We know the World did generally give the name of King to *Charles* I. and II. when they had only *a legal Right to the Crown, but did not Poſſeſs it*, and ſo they do to ſuch a Prince, *who ought by the Laws of the Land to be King, but is not*, as the Doctor underſtands the name of King. But ſince he is reſolved that *King* ſhall ſignifie Poſſeſſion of Power only, let him have his Humour, but let him draw no Arguments from his Arbitrary interpretation of Names. His King can have no Title to *God's Authority* againſt *legal Right*, which always carries God's Authority with it.

Here the Doctor propoſes an Objection, *That it is Hobbiſm that Dominion is naturally annexed to Power*; and in Anſwer to it, he makes ſhew of a diſtinction between *Hobbs*'s Opinion and his own. *Hobbs makes Power and nothing elſe to give Right to Dominion, and aſſerts that God himſelf is the natural Governour of the World, not becauſe he made it, but becauſe he is Omnipotent: But I ſay that Government is founded in Right, and that God is the natural Lord of the World, becauſe he made it, and that no Creature has any Right to govern, but as he receives Authority from God.* He might as well have Anſwered, That *Hobbs* makes Civil Laws the Rules of good and evil, and denies the exiſtence of Spirits; but I do not. Is there any diſpute here about the Grounds of God's Dominion? Is it not wholly about humane Government? And was *Hobbiſm* ever laid to his charge, for aſſerting that God's Dominion is founded only in his Omnipotency? The Queſtion is whether Mr. *Hobbs*, and the Doctor teach not the ſame Doctrine about the legal Right and Poſſeſſion of Sovereignty, and the transferring of Allegiance to Uſurpers? And whether he can clear himſelf from *Hobbiſm* in the Points we are now debating? And this charge is ſo evident, that he had no other way but to decline it, by anſwering what was never objected.

Does not the Doctor teach, that our Allegiance is extinguiſhed when the King has not the Adminiſtration of Government in his Hands, and that Allegiance and actual Government are eſſential Relatives. Mr. *Hobbs* had taught the ſame before him, *That the Obligation of Subjects to their Sovereign, is underſtood to laſt no longer, than the Power laſts to pro-* Lev. p. 114. teſt

test them. The Doctor maintains, That when a lawful King is wrongfully deposed, he has still a legal Right to the Crown, but the Subjects are absolved from their Allegiance to him; the Doctrine of the Leviathan is just the same, *The Right of the Sovereign is not extinguished, yet the Obligation of the Members is.* The Doctor binds the Subjects to an actual assistance and defence of the Usurper; so does Mr. *Hobbs*, *The Subject is obliged (so strictly obliged, that no pretence of having submitted himself out of fear can absolve him) to protect and assist the Usurper as long as he is able.* Thus it appears that they are *Fratres Fraterrimi*, and it is not within the Power of Metaphysicks to distinguish them. But what saith the Doctor, *That Power does not give Right and Authority to govern; but is a certain sign to us, that where God hath placed the Power, he has given the Authority.* And is not this a manifest Confession of Hobbism, *That Dominion is naturally annexed to Power?* Mr. *Hobbs* does often call his Sovereign *God's Lieutenant*, and his *Vicegerent*, and *Sovereign under God*; he affirms that he governs *in God's stead*, and that *from him*, and *under him* he hath *Authority to govern.* He agrees with the Doctor then, that the Right of Government does flow from God's Authority; so that still it seems impossible to distinguish their Opinions.

Ibid. p. 174.

Ibid.

Case of Alleg. p. 15.

Prop. 8. Is this: *Allegiance is due only to the King*, and the Reason this, *For Allegiance signifies all that Duty which Subjects owe to their King, and therefore can be due to none but the King.* He had told us before, That by *King* he understands the actual Possessor, and therefore it is his sense of the Proposition, that Allegiance is due only to the Possessor, a precarious Assertion repeated often and never proved. But here he pretends to give a very plain Reason for it, the summ of it is this, *That Allegiance is due only to God's Authority, and no one has it but the actual King.* And if this be not a very plain Reason, let every one be judge, that can distinguish Reasoning from Affirming. But Proposition-making was by this time grown cumbersome to the Doctor; he was forced to make up a round number by Tautologies and Repetitions, and now having exhausted his stock of Postulates, he endeavours next to fortifie them against two Objections, which he imagined might be raised against them.

Ibid.

Obj. *But if this be so, What does a legal Right signifie, if it do not command the Allegiance of Subjects?* Why according to the Doctor, certainly it signifies nothing; for the legal Right of the Dispossessed Prince can give him no Right to the Crown, against the Right of divine Authority; the divine Right to all intents and purposes must null the legal; therefore if this continue still to be a Right, it is a Right to nothing. But a *great Writer* is worth nothing, that cannot defend Absurdities and Contradictions, and thus the Doctor endeavours it.

1. *He answers, that the legal Right bars all other humane Claims, no other Prince can challenge the Throne of Right.* The plain meaning of this is, That if the legal Right can be in one Prince, it is not in another; which is an admirable Proof, that the legal Right does signifie something. When *Oliver* usurped, *Charles* II. had a legal Right to the Throne, but no *Allegiance was due to his bare legal Title without God's Authority*, and yet this legal Right did signifie something; for if *Charles* had a legal Right to the Throne, than neither the *French King*, nor the *Grand Signior*, nor the *Great Mogull*, could have a legal Title to it; and though *Oliver* being setled in the actual Administration of Sovereign Power had a divine Right, yet the legal Right did signifie something to King *Charles*, though it was null'd by the Divine; and though it made him not a King, (*for that is the name of Power*,) and left him no Subjects, (because no Allegiance was due to him.) Thus the legal Right of a Dispossessed Prince is only a

Feather in his Cap, it constitutes him only an *Utopian* King, yet without so much as Imaginary Subjects. But he tells us,

2. *That Subjects are bound to maintain the Rights of such a Prince as far as they can, that is, against all Mankind, but not against God's disposal of Crowns.* But who is this *such a Prince?* Is he a Prince dethroned and dispossessed of his legal Right? Of *such a Prince* the Doctor is discoursing, and if such a one he meant, How can the Subjects be bound to maintain his Right as far as they can, when they are bound as far as they are able to oppose it; their whole Allegiance being due to the Possessor? And thus the Obligation to maintain the dispossessed Prince must be expounded as a Duty to destroy him. But if his legal Prince be such as one as is not dispossessed, but has either a Right to the Throne upon the Demise of the Predecessor, or is actually in Possession; then I say he speaks not to the Objection; for the Objection relates to the Case of a legal Prince, excluded from his Right, by the Intrusion of another, the Case which he proposes in the preceding Paragraph, *Whom he who has the legal Right to be our King,* (i. e. has one Possession,) *and he who has not it.* And he asserts upon it, *That all our Allegiance is due to him who is our King, and not to him who is not, though he be his Right to be so;* and upon this Case does the Objection proceed. *If this be so, What does the legal Right signifie?* So that if here he speaks of a Prince Possessing the Throne, or Claiming it when it was Vacant, *confusum inflicunt, unum cavi;* he puts one Prince in the Objection, and another in the Solution, and in short he does not Answer, but Evade and Prevaricate.

Well! but suppose a Prince with a legal Title to a vacant Throne, How can the Subjects be bound to maintain his Right, since they are not his Subjects, and owe him no Allegiance? For, according to the Doctor, Subjection and Allegiance are due only to Possessors, and not to a bare legal Title without it. Maintenance therefore, in such a Case, can be only a Debt of Justice, because it is due by Law and Equity, and the same Debt will continue, when the rightful Prince is wrongfully Dispossessed; for the legal Right is the same, and the same Law and Equity for restoring a due, as giving it at first. But further, suppose that he means a rightful Prince in actual Possession; such a one hath both legal Right and God's Authority; and, yet the Doctor denies afterwards, that Subjects in some Cases are bound to maintain them; and thus as a legal Right does signifie nothing with him here, so neither does God's Authority hereafter. He eludes and trims, and distinguishes them away as often as he has occasion; he grants Allegiance to Power without Right; and denies it to lawful Right and God's Authority together.

The other Objection he propounds is this, *If we have Sworn Allegiance to a lawful Prince, and his Heirs and lawful Successors, How can we pay Allegiance to any Prince, while He, or any of his Heirs and legal Successors are living, and claim our Allegiance, without violating our Oaths?* And the summ of his Answer is, *That an Oath of Allegiance made to any King, can oblige no longer than he continues to be King,* (i. e. in Possession;) *for if it did, it would oblige us against our Duty, and so become an unlawful Oath.* I acknowledge this Answer would be good, if he had sufficiently proved, that Allegiance is always, and only due to the Possessor; and whether that be done, let every one judge as he sees Reason. Were it here pertinent, it would be easie to prove, That our Oaths were intended to bind us to the lawful King and his Heirs, even in the Case of Dispossession; so all honest Men did understand them in the Age of Usurpations, and till of late they were never otherwise interpreted, but by a few wretched Slaves of the Usurpers. All the faithful Members of the Church of *England* thought them Obligatory, when their Princes were Dispossessed; they thought it no breach of Duty to stick to a righteous Cause, when it proved Unprosperous; and as long as the

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Idea was in being, they never looked upon the King as gone. The truth is, they were not wise in their Generation, and Leſſius *de Jure & Juſtitia*. p. 79. they underſtood not that Jeſuitical Evaſion, which would have been worth more than the whole World unto them. That when the King is depoſed, *tum deſinit eſſe Princeps*; which, if it be true Doctrine, the Conſequence of Leſſius the Jeſuite is unavoidable, *quod quidquam illud in rem ſuam mutatur*, he becomes a private Perſon, and may be lawfully murthered.

In the next Paragraph he obſerves, that *we do not ſwear to keep the King and his Heirs in the Throne, which may be impoſſible for us to do againſt a proſperous Rebellion.* And who was ever ſo ſenſeleſs as to imagine that we ſwore to keep them in the Throne, when 'tis impoſſible to keep them? but I preſume we ſwore, that in caſe our King ſhould be thrown out by a proſperous Rebellion, we would not bind our ſelves to oppoſe his Reſtitution, by transferring our Allegiance to his Rebels; yet he argues that we did not, becauſe *ſuch an Oath would be unlawful, as contrary to that Duty we owe to the divine Providence*, which conveys God's Authority to the Uſurper. Thus the ſame precarious Aſſertions are everlaſtingly inculcated, but a Million of Repetitions will never amount to one Argument for them. And now having routed the Objections, he concludes that:

Theſe ſeem to be very plain Propoſitions, and to carry their own Evidence with them. Very plain and ſelf-evident Propoſitions! And why then could not the Doctor diſcover them before the publiſhing of Biſhop *Overall*, and the Battel on the *Boyne*? Is it poſſible ſo great, ſo quick-ſighted a Writer could be above a year in finding out ſelf-evident Propoſitions? Alas! poor, miſerable Swearers and Non-ſwearers, that cannot ſee that which is as clear as the Noonday, and carries its own Evidence with it? How unhappy are they that have not the Doctor's Spectacles, by which he is able to ſee clearly through Mountains, and to diſcern things dark and inviſible to others! But after all, 'tis well theſe bright Propoſitions do carry their own Evidence, and are known by Intuition; for it ſeems to me that the Doctor hath given them no additional Luſtre, he has hitherto propoſed them without Proof, and if they are not innate Ideas, they ſeem to be altogether as indemonſtrable.

But if theſe Propoſitions are true, they are *a very plain Direction to Subjects, in all Revolutions of Government.* And the Direction in ſhort is this: *They muſt bear, or bend to the Revolution, and oppoſe it as far as they can, and not be baſely in complying; but when ſuch a Revolution is made, they muſt pay Allegiance to the new Prince, as inveſted with God's Authority.* Now his Direction is every whit as plain as his Propoſitions; in the days of the Unlawfulneſs of Reſiſtence the contrary Direction was then very plain and evident with him, but it is the ſingular Prerogative of great Writers to alter the nature of Things with the Alteration of their Judgments, and in all their Changes to carry Evidence, Perſpicuity, and Demonſtration with them. But yet the Direction is not ſo very plain neither, for even the Doctor himſelf was ſenſible there remained ſtill a very conſiderable Difficulty, which he leaves next to remove, and to give us *more plain Directions* about it.

The Difficulty is to know when a Revolution is ſo perfectly compleated, or when a new Prince is ſo fully inveſted with God's Authority, as to have a Right to our Allegiance; but the Doctor, according to his way, does very eaſily reſolve it: *Obſerve, ſays he, when God's Authority, and when we once ſee that God's Providence has ſettled the new King in the Throne, we muſt pay our Obedience to him.* But how muſt we pay our Obedience to him? Muſt we pay it as to a Prince that comes to Settlement, here to be the uncertain Gueſs of God's Conveyance of Authority? Does not all his Reaſoning conclude to it? Does not all his Reaſoning conclude as ſtrongly for all Poſſeſſion of Sovereign Power, without reſpect to Eſtabliſhment? *God removes and ſettles no Kings, only by his Providence, and he ſets up a King when by his Providence he gives Succeſſion, Authority to his hands; every Advancement to a Throne is from God.* Now if all Power, and whether ſettled or unſettled, if all Power, and

wherefore ordered by God's Will and Appointment, and positively ordered by him, as having so great an influence upon the Government of the World; and this and no further Argument, when we translate that Kings are God's Ministers, and are invested with his Authority, all Authority is God's, and no Man can have God's Authority, but he is ordained to a power; and yet we see plainly, that Princes that are not fully settled, are no Authority. We must not think that God at any time permits Men to make themselves Kings, whom he does not make Kings; for then we can never distinguish between God's Kings, and Kings of their own making; and it is impossible there should be a wrong King, unless a Man could make himself King when God will not so. And therefore a King whose Possession is not firmly established, cannot be a strong King, because he is not a King of God's making; he has not the Authority of Government in his hands, and wherever he has God's Authority in a true and rightful King, and therefore we owe only to him.

In short, there is not an Argument in this Book, which is not equally applicable to all Possession whatsoever; either they prove Allegiance to all Possessors, or to none at all; but if they infer Absurdities, rejected even by the Doctor, they must needs be false and fallacious, and *we cannot reasonably conclude* when a Prince has the Administration of Sovereign Power, that *God has made him King*, unless he be throughly settled: we cannot possible conclude from any of the Doctor's Arguments, that a settled Usurper is made a King by God. Let him shew the difference, if he can, let him demonstrate to us the Reason, why a Prince when he is first advanced has no Right to Allegiance, and has when he is settled, though the same Providence does advance and settle him; why the same actual Administration of Government is a Sign of God's Authority when it is secure, and none when it is in danger; and let him resolve us whether an unsettled Possession be not a *Power in being*, and advanced by God; and therefore invested with his Authority; whether God's Appointment and Authority do argue a Right to Allegiance, and whether the publick Good, the Preservation of our Lives, and of political Society, are but *Atrocious Arguments* when an Usurpation is doubtful, and demonstrative when established. If he can resolve these Mysteries, and shew all his Arguments to be conclusive for a settled, and not for an unsettled Possession, I will acknowledge him then to be the *greatest Writer* under Heaven: But it is too much for any one to write precarious Propositions, and apply them by arbitrary Distinctions, and to argue as if all Mankind were Idiots, and as if there were no Logick nor Reason in the World.

But as the Doctor distinguishes between settled and unsettled, so also between Settlement and Settlement. *In new Governments*, he says, *there must be* Pag. 17. *necessarily be different degrees of Settlement, which seem to require, or at least to justifie different degrees of Submission, till it arrives to such a full, and plenary, and fixed Possession, as requires our Allegiance.* Thus our Submission is ever to keep pace with Settlement, and to bear a due proportion to it. Now Settlement consists not in a *Mathematical Point*, he acknowledges there are various degrees of its and I say they are indefinite and innumerable, for in the Acquisition of new Sovereignty, Power and Stability do increase like Time and Bodies, by innumerable Steps and progressions; and as the degrees of Settlement are innumerable, so must the degrees of Submission, which is commensurate to it. But then this is not a very *plain Direction for Subjects*, that our Submission must grow in proportion to the Settlement; for it will be impossible to find out degrees of Submission answerable to degrees of Settlement. For instance, King *Steven*, *Henry* IV. and VI. *Edward* IV. *Richard* III. *Henry* VII. and *Cade* and *Ket*, the *Percys* and *Owen*, and his Son *Richard*, had not two of them the same degrees of Power and Stability; and is the Doctor able to find out so many several degrees of Submission for them? Though neither Mathe-

Mathematical proportion nor Mathematical certainty is here expected from him, yet he should have directed us in the gradual increase of Submission by some rules and distinctions, and have shewed us in gross, at least, what Submission is due to an upstart Power that is like to be of short continuance, what to a Power of weak or doubtful Establishment, what to a Power supported only by force, or by the consent of a great Party, as well as what is due to a Power that is throughly settled by the full consent of the People.

But the Doctor speaks only to two degrees of Setlement; the First Ibid. is, *When the generality of a Nation submits to a Prince, and puts him in the Throne, and put the whole Power of the Kingdom into his Hands, and yet the dispossessed Prince has such a formidable Power as makes the Event very doubtful.* This we may call a doubtful Setlement; but p. 9. where the Doctor is discoursing on the Convocation Book, he affirms that this is a through Setlement; the general Submission of People, the Possession of the whole Power of the Nation, and the whole Administration of Government, are the Notes and Characteristicks of it; but here they are owned to be insufficient to prove a through Setlement, and notwithstanding a general Submission, and a Possession of the whole Power of the Kingdom, *It may be thought that God's Providence has not settled the Usurper*, and that Allegiance is not due to him; and yet again in his Vindication, p. 37. by Setlement he understands the *Settlement of a Government peaceable in fact*, and there he thinks it may be throughly setled before it has a *peaceable Possession and Settlement*. Thus the Doctor *makes as much, or as little of a through Settlement as he pleases*; and when he pretends that the thing is notoriously evident and sensible, he writes ambiguously, inconsistently and contradictorily about it.

Now let us consider his Directions about Submission to a Government doubtfully setled.

1. *They who live under such a* Ibid. *Government are bound* (he says) *to live quietly and peaceably, and to promise or swear, or give any other security to do so, if it be demanded.* But neither is this a very plain Direction, *For to live quietly and peaceably* is a very doubtful Expression; and if he intends by it an Obligation never to contribute our Assistance to restore the rightful Sovereign, than it is a promising or swearing away our Allegiance; and I would fain know what Obligation there can be to renounce our Allegiance, for a Government that has no Title to it. But if he means the not attempting any thing against this Government while we are under its Power, and are certain to be crush'd in the attempt, and the exerting our Allegiance cannot be effectually serviceable to restore our Sovereign; a Subject indeed may lawfully promise thus to live peaceably, and he might lawfully swear it, but that it seems to be taking God's Name in vain; for it would be a vain and trifling Oath, such as would give no Security to the Imposers, and should be impos'd upon none but Mad-men.

He adds, *It is reasonable we* Ibid. *should live peaceably, if we think it is reasonable to live under the protection of the Government.* But there is no more reason that we should renounce our Allegiance for the Protection of Usurpers, than that we should renounce Political Society for the Protection of *Bandits*; it is reasonable to live where we have right to live, and if unreasonable Men will not permit us to enjoy our Right, without a sinful Compliance, we must live where God's Providence shall dispose us, and if we cannot live Innocently, it is reasonable to dye so. But *do all Men do*, saith the Doctor, *in all Enemies Quarters, and no Man blames them for it.* No Man blames them for living peaceably, when to live otherwise would be unserviceable to the Prince, and to them inevitable Destruction. No doubt they may do so, as long as they are in the Enemies Power, but as soon as that Power or Force is removed, and the Subjects are in a capacity of exerting their Allegiance, then the reason of living peaceably ceases, and the paying actual Allegiance is

lawful Sovereign is an indiſpenſible Duty; and I believe no one ever denied, that it was lawful thus to *live peaceably* under all Uſurpers.

Ibid. 2. *We muſt pay Taxes to them; for theſe are due to the Adminiſtration of Government, as St.* Paul *obſerves; for this Cauſe pay ye Tribute alſo, for they are the Miniſters of God attending continually on this very thing.* The Powers to whom Tribute is to be paid, are there expreſly ſaid to be the Miniſters of God, and to be ordained by him; they are therefore ſuch Powers as have a right to Allegiance, and the Doctor in the next Section does argue upon that ſuppoſition. And yet here he argues from this Text, That Tribute is due to ſuch Powers as have no right to Allegiance, and therefore are not God's Miniſters, nor Ordained by him. If Allegiance be always, and only due to God's Authority, (as he affirms in his ſelf evident Propoſitions,) and if they who have not God's Authority are not his Miniſters, nor his Ordinance, and Tribute is due only to God's Miniſters, becauſe it is enjoyned to be paid for that Reaſon only, than the Conſequence is, That ſuch Powers as are not throughly Setled have no right to Tribute, becauſe they have no right to Allegiance. The Apoſtle requires Taxes to be paid to God's Miniſters; and if they who adminiſter the Government are not God's Miniſters, they cannot claim them from the Apoſtle. Taxes are due to the Miniſters of God, as *attending continually* on the Adminiſtration of Government; but if they are hindred from attending it, by the Rebellion or Revolt of their Subjects, Are the Subjects then diſcharged from paying them, becauſe they have wickedly Rebelled or Revolted from him? In a time of Rebellion, Is nothing due to the Sovereign, becauſe he can't adminiſter the Government? And if a Sovereign forfeits all his Rights, when it is impoſſible for him to adminiſter it, May it not equally be argued from the Apoſtle, that he forfeits his Crown, if he is not a *terror to evil Works, but to the good?* But if the Doctor ſtill thinks that to be an unreaſonable Inference, he muſt allow the other to be unreaſonable alſo.

To the Text of the Apoſtle he adds this Reaſon, *If we owe the ſecure Poſſeſſion of our Eſtates to the Protection of the Government, let the Government be what it will, we ought to pay for it.* Ibid. No doubt we may pay Taxes to an Uſurper, as we may deliver our Purſes to a Robber; in both Caſes it is lawful to give that which we cannot keep: But to pay Taxes voluntarily when we can avoid it, is no more our Duty than to preſent a Robber with our Purſes, when we can eaſily ſave them. If it is our Duty, it muſt be either on the ſcore of Gratitude or Juſtice; but ſince the payment of Taxes muſt neceſſarily ſtrengthen the Uſurper, and enable him to reſiſt and to deſtroy the rightful Sovereign, it muſt neceſſarily be Injuſtice to pay them, becauſe it is unjuſt to ſupport Injuſtice, and to contribute voluntarily to the overthrow of a juſt and righteous Cauſe. And if the Contribution be unjuſt, it cannot be a Debt of Gratitude, for that does never oblige us to Injuſtice; and conſequently though the Uſurpers Protection be a Benefit, (as receiving Quarter from the *Banditi* is a Benefit,) yet this cannot oblige me to ſupport him in his Uſurpations, nor pay ſuch Taxes as are raiſed to eſtabliſh the unjuſt Power, and reſiſt the Rightful. I ought not to receive his Protection on that condition, nor purchaſe a Benefit for my ſelf by Perjury and Injuſtice. If it be a Duty to pay Taxes to ſupport an Uſurper that is not throughly ſettled, Why ſhould it not be a Duty to pay Allegiance to him? If we aſſiſt him with Money, we may aſſiſt him with Counſel, Prayers, and Arms; we may fight for him with our Perſons as well as with our Purſes; and if we do all this, we pay him plenary Allegiance. But ſince the Doctor does not require Allegiance to an Uſurper doubtfully ſettled, the Subjects cannot be obliged to contribute their Aſſiſtance to ſupport him; for that is the principal Duty of Allegiance, nor conſequently to pay him Taxes for

that

that purpose, for that is the principal and most powerful Assistance.

Ibid. 3. *We must give the Title of King to such a Prince*, and this he requires for two Reasons; 1. *Because it is a piece of good Manners.* 2. *Because he is indeed King while he administers the Regal Power, tho we may not think him so well settled as to all Intents and Purposes to own him for our King.* What Title we are obliged to give him in good Manners, I leave to the *Heraulds* and the *Master of the Ceremonies* to determine; but till I am better inform'd, if the Title does not belong to him, I cannot think it good Manners to call him that which he is not. But if he be King indeed, then a very little Sense, without Skill in Heraldry, or Casuistical Divinity, will serve to inform us that we must give him the Title of King; and this is one of the plainest Directions in his Book, that if he be King indeed, he has a Right to be called so. *But he is indeed King while he administers the Regal Power*; and this is evident from what he affirms in *Prop.* 7. That King is the Name of Power: But *Prop.* 8. This King is one to whom Allegiance is due, and yet here he is indeed King to whom Allegiance is not due, as being not well settled in his Government, and who is not to all Intents and Purposes to be owned for our King. Thus we must give him the Title of King, because he is a King, or at least half a King, and yet in reality no King, because he has no Right to Allegiance. But the Doctor may trifle and shuffle with Names as he pleases, he may give the Title of King, if he will, to every Rebel and Usurper, to *Oliver* and *Richard* and *Massaniello*, for they administred the Regal Power for a time: But I hope he will not be offended if others follow not his Humour, if they call a Spade a Spade, and say that he has no Right to the Title of King, who has no Right to the Office, and no Right to Allegiance.

Ibid. 4. *We must pray for him under the Title and Name of King; for we are bound to pray for all who are in Authority; and that a Prince is, who has the whole Government in his hands, and has power to do a great deal of hurt, or a great deal of good.* All this was true of *Oliver*, he was visibly in Authority, had the whole Government in his hands, and had power to doe a great deal of Hurt or Good, were the Clergy therefore bound to pray for their Sovereign Lord King *Oliver*? In those days the Sons of the Church were of another Mind, they esteemed it infamous and wicked to thrust their lawfull Sovereign out of their Prayers, to make room for the Usurper; and to stile him their Sovereign Lord, their King, or their Protector; and yet *pray for all in Authority* was then a Text in the Bible. What does the Apostle mean by all in Authority? Not certainly all that have the Administration of it, for then Pyrates, Robbers and Rebels will be comprehended in that Expression: But the Motive or Reason annexed is a clear Limitation of it, we must pray for them, *that we may lead a quiet and peaceable Life*; which shews we must here understand such Authority as is for the Quiet and Peace of of Society, and such are all lawfull Powers, even the most Tyrannical; but such are not the Usurpers of that Authority that belongs to others, whether Rebels, Robbers, or titular Tyrants; for these are the great Enemies of Society, their Usurpation of their Authority tends to its Subversion, and considering its natural and ordinary Effects, it can never be expected that a *quiet and peaceable Life* should be attained under them. But the Doctor understands by the Expression, *such as have the whole Government in their Hands, though they are not perfectly settled.* And whose Authority have they? Certainly God's Authority, for according to him, *the whole Authority of Government is God's*; but if they have God's Authority, his Propositions give them a Right to Allegiance; and to what purpose then is his Distinction of a through Settlement? And if they have not his Authority, how impertinent is the alleadging that Text for a Right to our Prayers? We are bound to pray for all Men, for private and publick Enemies, for Thieves and Murtherers, and Usurpers; but we are principally obliged to this out of Charity to their

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Souls, and therefore we muſt pray chiefly for their Repentance and Converſion, and to pray thus for Uſurpers, (that God would bleſs them thus with the chiefeſt of his Bleſſings,) is (as ſays the Doctor) *ſo far from being a Fault, that it is a Duty, while we do it in ſuch terms as not to pray againſt the Diſpoſſeſſed.* But if in the late Uſurpations a Doctor had ejected *Charles*, and inſerted *Cromwell*, and had prayed in theſe Terms, *Bleſs we beſeech thee our Sovereign Lord King* Oliver, I preſume, *the Maſter of the Temple* would have been as forward as any Man to charge Hypocriſie, baſe Compliance, and breach of Allegiance upon him. And Reaſon would have made good the Charge; for to pray for *Oliver*, as our Sovereign Lord, is to acknowledge before God and Man that he is ſo; and to teach the People to acknowledge him, and to pay him that Subjection and Allegiance that is due to a Sovereign. Is not Prayer for a King one of the principal Expreſſions of Allegiance? And when we pray for the Uſurper in the room of the lawful Sovereign, does not the very nature of the thing require this Interpretation, that we do not own him for our King, whom we thruſt out of our Prayers, and that we have transferred our Allegiance, where we pay the moſt benefical Expreſſion of it? this is the general Senſe of the People concerning it, and he that can ſatisfie his Conſcience to own an Uſurper for his King and Sovereign Lord in the moſt Solemn Manner that can be, tho he owns no Allegiance to be due to him, when the Reaſon for which he does it, the Nature of the Thing, and the Conſtruction of the People do imply an acknowledgment of Allegiance, may I think be ſatisfied in any thing, and need not ſcruple any Compliance whatſoever.

Thus far the Directions about Submiſſion to a Government not throughly ſettled, to which Allegiance is not required; but tho he requires it not here, in the Sequel of his Diſcourſe he infers it as a neceſſary and indiſpenſible Duty: for when he comes to confute Bp. *Sanderſon*'s meaſures of Submiſſion, his Reaſons there do prove (if they prove any thing) that Allegiance is due to ſuch a Government. The Doctor here directs us to pay ſome lower degrees of Submiſſion, but not Allegiance to his unſetled Uſurper; and ſo does Bp. *Sanderſon*, but his Arguments againſt the Biſhop's do equally conclude againſt his own Directions; and thus I argue after him.

Caſe of Allg. P. 38.

Pag. 39.

If under an Uſurper unſetled, the Safety and Tranquillity of Humane Societies, requires any thing of us, it requires and juſtifies a great deal more; for, 1. *As he ſtates the matter, this deſtroys Civil Governments, and a governed Society*; for ſeeing Allegiance is not due to ſuch a Prince, it follows he has not God's Authority, ſo that to ſpeak properly, *here is neither King nor Subjects, and I ſuppoſe no Man that conſiders it well, will call this a Civil Government, to which God's Authority and Allegiance is eſſential.* 2. I would ask whether *Self-Preſervation, publick Good, and Grounds for Protection do oblige us to obey and ſubmit to the Prince who governs, and to aſſiſt and pray for, and do my utmoſt to endeavour his Proſperity? if ſo does I ſee no difference between this and Allegiance; if it does not, then I am at liberty to diſturb the Government, nay am under an Obligation by my former Allegiance to do it, when I can; and how does this contribute to the Safety of Societies?* 3. *Suppoſe ſuch a Prince ſhould require an Oath of Allegiance, and the Subjects according to their Duty ſhould refuſe it, and the Prince had Power to compel them, what muſt be the effect of this, but the utter Deſtruction of the Nation?* But there is no need of tranſcribing the reſt of his Diſcourſe, it will be obvious to every one that conſiders it, that it is applicable throughout to his own Directions for Submiſſion without Allegiance. Thus the Doctor does engage the Doctor, his Arguments do overthrow his Directions, or his Directions his Arguments. His Propoſitions prove that Allegiance is due to every Uſurper, his Directions deny it, and his Arguments againſt the Biſhop do again infer it; let him chooſe the one or the other, either Allegiance is due to all Uſurpers, and then he loſes Bp. *Overal*'s Convocation-Book, ſeveral

Pages

Pages of his own Book, and innumerable paſſages about a through Settlement: Or it is due only to Uſurpers that are ſettled, and then his Propoſitions and all his Arguments from Scripture, and almoſt all from Reaſon are irrecoverably gone. The World knows he can prove which he pleaſes, but I think he is not ſo great a Writer, as to be able to prove Contradictions.

We come next to this ſummary account of a Government throughly ſettled, and theſe are his Notes and Characters of it.

Pag. 18. *When beſides the Poſſeſſion of the Throne, the Power of the diſpoſſeſſed Prince is broken, and no viſible proſpect of recovering his Throne again; nay, if it be viſible that he can never recover his Throne again, but by making a new Conqueſt of the Nation by Foreigners, who will be our Maſters if they conquer, and no very gentle ones, as we may then (he concludes) look upon the new Prince as ſettled by God in his Throne, and therefore ſuch a King as we owe entire Allegiance to.* Here then his Characters of a through Settlement acquired to Poſſeſſion are theſe two; abſolute Conqueſt over the diſpoſſeſſed Prince, ſo that he *has no viſible proſpect of recovering his Throne*; and no proſpect of recovering it, but by *Conqueſt of the Nation by Foreigners who will be no gentle Maſters.* How is it poſſible to hang theſe Characters together? P. 9. he makes plenary Poſſeſſion and Submiſſion to be the only Teſt of a through Settlement; but

Pag. 17. upon ſecond thought, he owns that to be inſufficient; and here again he ſets it firſt upon the diſpoſſeſſed Prince having no viſible proſpect of a Reſtoration; then one would conclude that if there is ſuch a proſpect, then there is no Settlement: Not ſo neither; for though there be a proſpect of recovering one way, there is nevertheleſs a Settlement, and we muſt conclude that God has ſettled the Uſurper, becauſe there is but one way open to a Reſtoration: This is juſt as reaſonable as if it ſhould be affirmed, That a Man who is ſubject only to Convulſions is well ſettled in his Health; that an incloſure is well fenced when there is but one gap; that a Fort is perfectly ſecure when there is but one breach for the Enemy to enter at; or that the wrongful Poſſeſſor of an Eſtate has got a good Settlement, becauſe there is but one way to eject him. If a *little Writer* had made ſuch a Settlement, How unmercifully would the great Judges have treated him, he had certainly loſt all his Credit in conveyancing for ever; and doubtleſs nothing can be more abſurd, than to pretend that a Deed of Conveyance is a good Settlement, when there is one way to defeat it; or that a Government is throughly ſettled, when there is viſibly one way to over-throw it. Why ſhould not a viſible proſpect of Reſtoration by Foreigners ſpoil a Settlement, as well as a proſpect of effecting it by Subjects; is it becauſe *Foreigners will be no gentle Maſters?* We remember well when the Government of rebellious Subjects was the moſt cruel Tyranny that ever the Nation felt. But be they hard or *gentle Maſters*, what is that to a Settlement? The point is not whether the Government of the reſtored Prince will be gentle, but whether there be a proſpect of Reſtoring him, for if there is, it is a plain Demonſtration that there is no through Settlement. This reflexion then upon Foreigners, was in the bottom only an Amuſement; it was intended for nothing but to throw Duſt in our Eyes, and to create a weak Prejudice, to ſupply the want of Argument.

We return then to that which is the only colourable Proof of a through Settlement; *When the Power of the diſpoſſeſſed Prince is broken, and there is no viſible proſpect of a Reſtoration.* Nothing is more arbitrary and various, than the proſpect which Men have of future Revolutions; almoſt every Man has a peculiar Proſpective through which he looks, and every one looks through his own Organs and his own Prejudices. Men of Sanguine Complexion, whoſe Spirits are brisk and volatile, as they happen to be prepoſſeſſed, will judge a Prince's Condition to be hopeful, or deſperate upon every little turn of Providence; the Melancholick and Timo-

rous, on both sides, will be always anxious and aboding the worst, either despair of a Restitution or eternally fear it, and never think the new Government to be settled enough: Even Men of a well ballanc'd Temper, of sedate and prudent Judgment, will yet have a different prospect of Things; some will think a Prince irrecoverably lost, and others who have as a good foresight, will think his recovery probale. Not the diversity only of Temper and Judgment, but also the intricacy and obscurity of the Matter and Object, and the constant vicissitude of humane Affairs, must necessarily occasion difference of Opinions; even the most able and skilful Politicians are often deceived in ballancing of Governments, and passing judgment on their Strength and Stability; and if hereunto we add, that the Decrees of God, who governs Governments, are unsearchable; that his Providence is an unfathomable Abyss; that he often lifteth up the Poor out of the Dust, and levels proud Usurpers with it; that in History there are innumerable Examples of Princes and Governments Re-established and Exalted from the very bottom of Despair; and in fine, that we are assured by Experience, that the most improbable and unexpected Events do happen almost as often as those that are most probable and most certainly expected. When all this, and much more is considered as it ought, it must needs be acknowledged, That the Judgments concerning the final Depression of a dispossessed Prince, and the secure Establishment of an Usurper, must be exceeding difficult, various and uncertain; and then the result is, that seeing it is hardly possible to be assured of a through Settlement, as the Doctor understands it, and seeing Men of the best Judgments are often mistaken, and are never unanimous about it, and a very small part of Mankind can be thought capable of judging it, the Consequence is, that a through Settlement is no sufficient direction for Allegiance.

The Doctor gives this description of a through Settlement, to determine the present Controversie about Allegiance; but whether the dispossessed Prince is so broken, that there is no visible prospect of his Restoration, we may be determined by the visible Hopes and Fears of the opposite Parties. 'Tis plain his Power is not totally broken, and 'tis a palpable absurdity to say that a Prince, who is still carrying on a War, is absolutely Conquered. *Let not him that girdeth on his Armour boast himself, as he that putteth it off*; the Event of War is always doubtful, and when the War is finished, it will be time enough to triumph, and to talk of a through Settlement. If the Doctor thinks it may commence sooner, his Opinion is contradicted by Experience and common Sense, for no Man that has any Title to it, will believe that the purchase of War is secure before the War is over; or that an Usurper is throughly settled in his Throne, when the deposed Prince is pursuing his Right to it by War: That Restoration for which we have an annual Thanksgiving, was once esteemed morally impossible without a Conquest by Foreiguers, and the Destruction of the Nation, but with God it was not impossible, and that which has been may be. The Doctor has formerly told the World, *That though God for wise Reasons may sometimes permit such Usurpations*, p.132. *yet while his Providence secures the Persons of the deposed and banished Princes from Violence, he secures their Title too; as it was in* Nebuchadnezzar's *Vision, the Tree is cut down, but the stump of the Roots is left in the Earth. The Kingdom shall be sure to them after they shall know that the Heavens do rule*, Dan. 4. 26. Case of Resist.

In those times the Right and Title of the natural Prince were of such importance, that there could be no Settlement of the Usurper, as long as a *stump of the Tree* remained; but Times and Principles are altered, and now says the Doctor, *We must not take the consideration of Right into the Settlement of Government; for a Prince may be settled without legal Right, and when how so, God has made him our King, and requires our Obedience.* Case of Alleg. p.18.

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The Doctor; no doubt, may consider Settlement without Right, and then declare that a Prince may be settled without it: But any one else may consider it with relation to Right if he pleases; for a legal Settlement is, I hope, a Settlement; and 'tis as certain that the extinction of all legal Claims and Competitors, will contribute much to a through Settlement.

We may consider Settlement in a natural, and in a legal, or moral Sense, in relation to Possession, and in relation to Right. He that dwells in a House, and keeps out the right Owner may be said to be settled in it, because he keeps Possession, but enquire in *Westminster-hall* whether this be good Settlement, and the query will be easily resolved. *Oliver* was settled in some sense at *White-hall*, so he was in the Government; but that Settlement was thought to be of no validity in Law and Conscience, nor did it give him a divine Right to the Palace and the Throne. Settlement is a Word of manifold and ambiguous Meaning, and must be always interpreted according to the nature of the Matter to which it is applied; when civil Property is the subject Matter, the very nature of the Thing requires it to be understood in the civil or legal Signification of it, and then (as it has been well observed) it denotes two Things, peaceable Possession and legal Right. This is undeniable in relation to private Rights. And why does it not require that Interpretation in respect to politick Dominion? Is that the sense of all Lawyers when they speak of private Estates? And is there any Lawyer that ever applied that Term to a Government usurp'd and possess'd without Right? Is there any other good Author that called such a Possession a through Settlement? The Lawyers have always considered Right as necessary to the firm Establishment of any Possession, and it would be a contradiction to their Profession to consider otherwise; for if Right be not requisite to the Settlement of Possessions, there is an end of all Law, and there is no need nor use of it in the World.

When a Man is *Possessor malæ fidei* (and such are all Usurpers) the Lawyers do not account him to be throughly settled in his Possession; for as he is bound in Conscience to Restitution, so he may be ejected by Law; and they never look upon him as settled till he becomes a lawful Possessor and has acquired a legal Right by Prescription of a 100 Years, or time immemorial, in which they presume a Derelliction of the true Proprietor. Their Doctrine is the same concerning the Possession of the Rights of Sovereignty; they never suppose it to be established without Right; they affirm the Usurper (as long as he is such) is bound to * Restitution; that the rightful Prince may lawfully eject him by † War; that the presumption of Law is always for the lawful Prince; that the Usurper cannot prescribe a Right, * (*nisi accesserit præscriptioni scientia patientiaque ipsius Principis,*) without the knowledge and permission of the Prince, and lastly, that these are never to be presumed, but in case of perpetual and undisturbed Possession † for a 100 Years, or a time exceeding the memory of Man. *Tyrants* (says * *Petrus Gregorius*) *after they have Dethroned the true and rightful Princes, are yet desirous of their Titles, and they make use of Parliaments or Assemblies of the People to acquire them; yet they are Tyrants still, and are comprehended in the Laws that relate to Tyrants, unless (as some think) they abdicate their Power, and submit to their Judgment who can confer lawful Sovereignty upon them; or unless after their Usurpation, they with their Posterity, prescribe a Right to the Sovereignty by the Possession of a 100 Years or more.* Thus the Civil Lawyers: And, if we may believe *Grotius*, their Doctrine is confirmed by the Law of Nations:

* *Navarre. 26. Tom. 3. p. 228.*
Arnisæus de Rep. l. 2. c. 3. s. 27.
† *Grot. de ju. belli. l. 2. c. 1.*
* *Covar. part. 2. Rel. c. Possess. Malef. decer. s. 2. n. 13. p. 449.*
† *Ibid. p. 431.*
* *De Rep. l. 26. c. 7.*

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[a] *De ju. bell. l. 2. c. 4. §. 9.* He says [a] it is probable that this Law was introduced by the consent of Nations, that immemorial Possession peaceably enjoy'd without Interruption, *Omnino dominium transferret*, should to all intents transfer Dominion; he shews by many instances that this was often pleaded by Nations; those out of *Isocrates* are apposite to our Purpose; in his *Archidamus*, he argues the Right of the *Lacedemonians* to *Messana*, from their Possession of it for some hundreds of Years, and he lays down this Rule as most certain and confessed by all; *That Possessions, both private and publick, become proper and patrimonial, if they have been held for a long time*; and in his Oration to *Philip*, χρονον ἐν βεβαιον τιθησιν ἁπασιν αὐτοποιον τῆς χωρας; *When length of time had made the Possession firm and settled.* *Ibid. §. 2.*

These and other Instances that might be produced, do shew it has been the Sense of Mankind, that Prescription is requisite to establish Possessions without an original Right, and that there could be no Settlement till a new Right were introduced; for if Dominion might have been transfered without Right, the introduction of the Right of Prescription, by the Law of Nations, would have been superfluous.

But the Law of *England* is yet more rigid in requiring legal Right, it differs from the Civil Law in Matter of Prescription; (for by the Common Law Prescription maketh no Right in Land,) but the difference is in favour of Right against Possession, which cannot in any tract of time advance to a legal Settlement, when an antecedent legal Right can be made out against it. And can we think that the Law is more careful of private Property than of Sovereignty, of Lands and Tenements than of the Royal Crown and Dignity? That it has provided that the Rights of the Subjects be Sacred, Inviolable, and Eternal, and hath left the Crown to every one that can catch it, though all the Estates in the Realm are held in Fee of the Crown, and are deriv'd Originally from it? On the contrary, the Favour and Presumption of the Law is always for the King; no time is allowed to prescribe against his Rights; it is the first [a] Principle of the Law that his Crown is Hereditary, it is entailed on his Posterity for ever. [d] Descent is declared to be a Title stronger than all others, it being an undoubted Title made by Law, it cannot be defeated by any other Title. [e] Allegiance is not due to the Crown, but to the natural Person of the King, which is ever accompany'd with the Politick Capacity; [f] it is due to the natural Body by Nature, God's Law and Man's Law, cannot be forfeited nor renounced by any Means, it is inseparable from the Person; and it has been said to be due to him, [g] even when he is driven out of his Kingdom. And lastly, we have the Resolution of all the Lord's and Commons in the Case of the Claim of the Duke of *York* against *Henry* the Sixth, that an illegal Settlement of the Crown by Acts of Parliament, and the Settlement of 60 Years Possession without interruption, were not sufficient to defeat the legal Title, nor to settle the Usurper's against it.

[b] *Finch's Disc. of Law, p. 132.*

[a] *Case of the Postnati, p. 36.*

[d] *Ibid. 68.*

[e] *Cook in Calvin's Case.*

[f] *Judge Jenkin's Works, p. 22.*

[g] *Postnati, 104.*

Further it appears from the whole Series of our History, from the constant practice of Usurpers, and from the Acts and Recognitions of their Parliaments, that no Possession whatsoever without a legal Right was ever esteemed a through Settlement by the Parliaments, the People, or by the Usurpers themselves; they have always pretended to a Legal Right, and got themselves to be declared Kings *de jure*, by their Parliaments, for the satisfaction of the People: to what purpose, but that they knew it was the surest Foundation of their Power, that the People could never be brought to a plenary Submission, nor their Government

Government be thoroughly ſetled without a general Perſuaſion of it. Theſe Recognitions of Parliaments were as illegal as the Uſurpations they could not alter the nature of things. Lawful Parliaments did always declare them to be invalid and null, the whole Body of the Nation have rejected and made no account of them: and they never yet were effectual to eſtabliſh Uſurpation: But they who had no Right thought the Preſence and Opinion of it neceſſary to a Settlement, they knew that Parliaments were the beſt Inſtruments to delude the People, and therefore they made them to recognize Force and Uſurpation to be Right and Inheritance; and this conſtant practice of Uſurpers is an evident Proof that it has been the Univerſal Senſe of the Nation, that without a Legal Right there could be no hopes of Settlement.

Laſtly, I appeal to the Senſe and Reaſon of Mankind, whether according to the natural courſe of things there can be a through Settlement of an Uſurped Power, while the rightful Prince is actually proſecuting his Right. Mankind are not ſo degenerate nor ſo much in love with Oppreſſion and Injuſtice as to have no regard to Right, nothing is more natural than to commiſerate and aſſiſt the Oppreſſed, and that may well be expected in the caſe of a Rightful Sovereign, to whom the Subjects have ſworn Aſſiſtance, and whom they know to be wrongfully depoſed. The generality of Men will never ſo far ſhake off the bands of Reaſon and Equity, as to think they are looſ'd from the Obligations of *rendring every Man his due, and doing as we would be done by.* Brave and Generous Spirits will never be wanting, who will dare even to dye for a Righteous Cauſe, and will ſcorn to abandon a Prince becauſe he is unfortunate. Men may be cheated and deluded for a while with the plauſible Pretences of Religion and Publick Safety, but time does always diſcover the Impoſture, and when once the Fig-Leaves are torn'd, the Uſurpation and Injuſtice will be expoſ'd naked to their view, and their Abhorrence will be heightned by the Briars and Thorns, the Sweat and Labour and Miſery they have produc'd, and then they will ſtrive *who ſhall be the firſt in bringing back their King*, all this is natural to imagine, what has often happened, and what may be reaſonably expected. Uſurpers are always in the ſtate of Robbers, they may be well arm'd and ſtrongly fortified, but they can never be ſecure. Uſurpation will never want Enemies, nor Right its Friends and Defenders. Nature and Religion and the Common Intereſt of Mankind do conſpire for Right and Juſtice, againſt Injury and Oppreſſion; and 'tis not likely they ſhould be eſtabliſh'd in ſpite of ſo powerful a Combination. Laſtly, it was never yet known in this Nation, that a Legal Right to the Crown, when proſecuted, was totally deſerted, or a through Settlement acquir'd without it, and therefore I conclude that Reaſon and Experience do aſſure us, that Right is neceſſary to a through Settlement.

The Reſult is this, that ſeeing the Civil Law, the Law of Nations, the Law of *England*, the Practice of Uſurpers, the conſtant Senſe of the People, and even Reaſon it ſelf do unanimouſly agree in proving the neceſſity of Right to Settlement, it is very unreaſonable to conſider Settlement without it, or when we meet with it in any Author, to give it ſuch an Interpretation as is warranted by no good Writer, and is contradictory to Law and Practice, Reaſon and Experience; and when on the contrary it may fairly be interpreted in a ſenſe agreeable to them.

The Doctor concludes this Section with repeating his former Prejudice, and inſinuating a new one, *That his Principles are ſo very uſeful in all Revolutions, that Subjects have reaſon to wiſh them true, and to examine over again thoſe firſt Principles of Loyalty, which if purſued to their juſt conſequences, muſt unavoidably in ſome juncture ſacrifice whole Kingdoms, at leaſt all Subjects who pretend to ſhn degree of Loyalty and Conſcience to the ill Fortune of their Princes.* Now this is nothing but Wheedling and Prevaricating; if his Principles be falſe, it is certain they are not uſe- Pag. 18.

ful to the Good of Mankind, and 'tis as impious to wish them true, as to wish that Vice were Virtue, as absurd as to wish that an Ox were an Elephant. His Principles are useful enough to them who think sleeping in a whole Skin should be preferred to all Obligations; and such is that Principle which was once vouched by the Devil, *Skin for Skin, and all that a Man hath*, &c. But *the strict Principles of Loyalty are such as may sacrifice Kingdoms to the ill Fortune of a Prince*; so may the Principle of Passive Obedience to the Cruelty of a Prince; so may the Doctrine of the Cross to the Fury of a persecuting Prince; so it is possible that Obedience to any Law of God or Nature may in some junctures be the destruction of a Kingdom; must the Laws of God and Nature be therefore cancelled? Must the Doctrine of the Cross and of Non-resistence be therefore rejected, as destructive to Society? Must the Principles of Honour, Loyalty, and Fidelity, be sacrificed to ill Fortune? Is our Allegiance due to Fortune? And if a righteous Cause be unsuccessful, is it our Duty to abandon, and bind our selves by Oaths to oppose it? We may thus briefly answer his Objection: *We will discharge our Duty, and leave the Event to God.*

But as for the Doctor's Principles, they are exactly the same with Mr. *Ascham's*, and became he professes *greatly to reverence the profound Judgment of Bishop Sanderson*, I will conclude this Section with his * Censure of them in these words, *That they evidently send, 1. To the taking away of all Christian Fortitude and Suffering in a righteous Cause: 2. To the encouraging of daring and ambitious Spirits to attempt continual Innovations, with this Confidence, that if they can possess themselves of the supreme Power, they ought to be submitted to. 3. To the obstructing unto the oppressed Party all possible means without a Miracle of recovering his just Right, of which he shall have been unjustly dispossessed. And, 4. To the bringing in of Atheism, with the Contempt of God and all Religion, whilst every man by making his own Persuasion the measure of all his Duties and Actions, maketh himself thereby his own Idol.*

* Reprinted in the 2d Pt. of the Hist. of Passive Obedience.

Examination of SECT. 4.

IN the former Section the Doctor has laid down Propositions which he asserts to be *plain, and to carry their own Evidence with them*; but if that be true, the rest of his Pamphlet is Supererogation: for what need of lighting Candles to the Sun, of adding more Evidence to the greatest Evidence that can be, and of confirming self-evident Truths by such Mediums as are not self-evident. Indeed the Doctor was conscious that they were not evident, but that there was need of urging more Arguments to confirm them, and of answering material Objections against them. He begins first with Arguments from Scripture; and here

He observes, *That the Scripture has given us no directions in this Case, but to pay all Obedience to the present Powers, and that it makes no distinction between rightful Kings and Usurpers; but the general Rule is, Let every Soul be Subject to the higher Powers, for all Power is of God, the Powers that be are ordained of God; whosoever therefore resisteth the Power, resisteth the Ordinance of God, and they that resist shall receive to themselves Damnation*, Rom. 13. 1, 2. *To say that the Apostle here speaks of lawful Powers is* gratis dictum, *for there is no Evidence of it.* Thus our Authour.

This Passage of the Apostle has ever since the days of *Cromwel* been made use of by all the Advocates of Usurpers, it is the principal Fort and Bulwark of their Cause, and if we can wrest it from them, they have no Shelter nor Defence for their Opinion in Scripture. Before the late Revolution there is not one Writer of the Church

of

of *England*, that expounds this paſſage as requiring Allegiance to Uſurpers; the whole Church in the late age of Uſurpations, thought the higher Powers in the Apoſtle to be the rightful Powers, who were then diſpoſſeſſed, and they acted accordingly in defiance of Confiſcations, Priſons, and Gibbets. But the Revolution has turn'd Mens Heads round, and together with new Lords and Laws, we have new Reaſons and new Reſolutions of Caſes, and to ſupport a new Government, new Interpretations of Scripture. The Doctor himſelf has expounded otherwiſe in his Caſe of Reſiſtance, and in thoſe Days his Expoſition was authentick, and the current Doctrine of the Church. But now Caſes are changed, The Caſe of Allegiance confounds the Caſe of Reſiſtance, and Uſurpers whom he once excluded out of the Text, do in their turn exclude the rightful Powers, and which is more, that which was then thought manifeſtly falſe, is taken now for *little leſs than Demonſtration*. We will try however to reſcue this Text to the rightful Powers again, and it will be the more eaſie to do it, becauſe we may have the Doctor's Aſſiſtance.

It is obſerved before, that the Doctor's new Expoſition does take in all Powers whatſoever, as well ſettled as throughly ſettled; and his Reaſons are applicable to both alike. *The Scripture has made no diſtinction between ſettled and unſettled Powers, but the general Rule is, that all Power is the Ordinance of God, unſettled Powers are certainly Powers in being, and to ſay the Apoſtle here ſpeaks of ſettled Powers is gratis dictum, for there is no evidence of it: There may be Kings and Rulers who exerciſe ſupreme Authority without through Settlement, yet St. Paul has made no exceptions againſt them, and the diſtinction being unknown in Scripture; if he had intended it, he ought to have ſaid it in expreſs Words, or elſe no body could have underſtood him only of Powers that are throughly ſettled: For then in order to the fulfilling of this precept, it would be neceſſary for Subjects to be well ſkilled in Politicks, and to know exactly how much goes to a through Settlement, that they may know to whom they ought to pay Allegiance; And he only is to judge in what Perplexities this would involve the Conſciences of Men? Beſides this, the reaſon the Apoſtle gives for Submiſſion to higher Powers, is not a through Settlement, but the Authority of God; and to this I add this diſtinction, that only ſettled Powers are of God, had made the Apoſtle's direction ſignifie nothing, for the great Queſtion would ſtill have been undetermined, what Powers are of God, and what Powers they muſt obey, if ſome Powers are of God, and ſome not.* Thus the Doctor's Arguing does hold for all Uſurpers, or for none; but if notwithſtanding all theſe Reaſons, the Rule muſt be reſtrained to Powers throughly ſettled, then it is certain thoſe Reaſons are Fallacious, for they equally conclude againſt all Reſtrictions, and a Reaſon that proves too much, does prove nothing at all.

But it is abſolutely neceſſary that the Rule be underſtood with ſome Reſtriction. Theſe Propoſitions, *There is no Power but of God, and the Powers that be are ordain'd of God*, if they be underſtood as ſimply univerſal, will comprehend the Power of Robbers, Pyrates and Rebels, the Papal Power, the Power of Anti-chriſt, and the Power of the Devil. It is univerſally true, that there is no Power but it is of God, and St. *Auſtin*, nay the Scripture it ſelf, declares it to be true even of the Power of the Devil; And is this a good Reaſon for being ſubject to the Devil? Does it bind us to be ſubject to the Pope, or Anti-chriſt? Or does it enforce Subjection unto Thieves and Rebels? The whole ſcope of the Apoſtle, the manner of his Expreſſion, and right Reaſon, do require that theſe Powers be excepted out of the Rule; and let us ſee now whether there be not the ſame neceſſity for excepting of other Uſurpers.

Auguſt. in Pſ. 32. Conc. 2.

1. The deſign of the Apoſtle, and his manner of Expreſſion do require it. His deſign was to enforce Submiſſion as due to the *Roman* Emperor, the Power then in being over the *Romans*; Thus the Doc-

tor

for himself in his Case of Re-
P. 107. sistance: *At the time of writing this Epistle the supreme Power was in the Roman Emperors, and therefore when St. Paul commands the Roman Christians to be subject to the higher Powers, the plain meaning is that they should be subject to the Roman Emperor:* And again,
P. 121. *According to the Apostle's Doctrine those Princes who where then in being, that is, the Roman Emperors, were advanced by God; the Powers that be, i. e. the Princes and Emperors who now govern the World are now ordained and appointed by God.* Now if the *Roman* Emperors were lawful Powers, it is plain the Apostle required Subjection unto lawful Powers, and not unto Usurpers; and the former general Proposition, *There is no Power but of God,* must be restrained by the later, *The Powers that be are ordained of God.* The later Proposition shews what Power he speaks of in the former, and restrains it to this Sense, *There is no lawful Power but of God.* This Interpretation is natural and agreeable to the common Rules of Interpreting, and to the common Sense and Reason of Mankind; if the Apostle had liv'd in the Reign of *Charles* I. and required the *English* Christians to be subject to the King then in being as ordained by God, Would this have been a good Argument for Subjection to the *Rump* and *Cromwell* as the Ordinance of God? Could the precept which required Allegiance to a lawful King be of any advantage to an Usurper? And would not such an Interpretation have appeared unreasonable and unnatural? The Doctor excepts unsettled Powers out of the Rule, but he can give no other Reason for it, but that the Powers then in being were throughly settled; he must allow then that the same Reason will hold good for the exception of Usurpers, if the same Powers were lawful.

He saw himself that this Consequence was unavoidable, and therefore to prevent the Force of it, he denies the *Roman* Emperors to have been lawful Powers; affirms *that for many Ages together the Titles of the Roman Emperors were all of them either stark naught, or the very best of them very doubtful,* and I believe he is the first that ever affirmed it. What were their Titles nought, and were they all Usurpers for many Ages together? What Historian, Lawyer, or good Author, what Demonstration or even probable Argument can he produce for so incredible an Assertion? But what have we to do here with the Emperors of many Ages? he knows that either *Claudius* or *Nero* were the highest Powers to whom Subjection is requir'd by the Apostle, and it was plainly his business to speak to their Titles, if he intended to speak to the purpose; but he declines this, (for it was impossible to prove them Usurpers;) he says only in general, (and without proof he says it,) that the Emperors Titles were either *stark naught* or *very doubtful.* And is there no difference between no Title and a doubtful Title? the Laws of Nature and Nations, and I believe the Municipal Laws of all Societies do allow Possession to be a good and lawful Right where the Title is doubtful, and the antecedent Right cannot be sufficiently proved; if the Titles therefore of the Emperors were doubtful they were lawful Emperours, and if Allegiance be due to such, it is no good Consequence that Allegiance is due to Usurpers.

Case of Allg. P. 20.

He should have prov'd that the Emperors were manifest Usurpers of that Sovereignty which was the Right of others, and he should have prov'd this particularly of *Claudius* and *Nero*: But the Title of these Emperors was unquestionable; for, 1. They had no Competitors who claim'd a Right to the Empire, and therefore either there was no better Right, or it was extinguish'd by Dereliction. 2. Neither the *Senate* nor the *Roman* People had a good Right against them, for they had not that which they had parted with; that Right which they had, by their own Acts and Deeds they convey'd upon the Emperors. The *Lex Regia* which is mention'd in *Dion Cassius* and *Justinian's* Code, and some Remains whereof are publish'd in *Gruter's* Inscriptions, is an authentick evidence of this Translation

fashion of their Right. It is very probable that this Law was renew'd at the advancement of every Emperor, and it appears plainly from the Remains of it, that *Augustus*, *Tiberius*, *Caius*, *Claudius*, and *Vespasian* had the Imperial Power conferred on them by a written Law, and therefore they were lawful Emperors. It is certain they had all of them the concurrent agreement of the *Roman Senate* and People; *Claudius* was first set up by the Soldiers, but the Senate soon consented to his Advancement, and swore Fidelity to him, and the Roman People, and all the Provinces received him as their Emperour; and the same universal concurrence there was to the Advancement of *Nero*, without any Opposition. Thus the Senate and People by express Law, or by their Submission and Oaths of Fidelity (which were as evident Declarations of their Will, as any Law could be) had transferred their Right upon the Emperors, and therefore had not that which they transferred; and there is no pretence of Right for any others; and then this evident those Emperors were Rightful Princes, because they had a Lawful Right, and because no other Right could be made good against them.

The Doctor insinuates this Prejudice against their Right, *that the consent of the Senate was extorted by Fear, or Flattery, or other Arts.* But their Consent however was voluntary and therefore valid against themselves: Consent extorted by Fear or Flattery is as obligatory as that which proceeds from Love, or Avarice, or Ambition, or any other violent Passion; and if all Contracts in which Fear or other Passions have a share are null, there is an end of all Justice and Faith among Mankind. But the Consent of the Senate and the People of *Rome* to the advancement of the Emperors, may be justified by Reason, and Necessity, and the publick Good; there was no other way to prevent Civil War and the Dissolution of the Empire. We find in History, that this Reason prevail'd upon the Wills of the *Romans*; and since there are rational Grounds for their Consent, why should it be ascribed to Fear and Folly, rather than to Reason or Wisdom. In the consent of a Multitude there may be as many Reasons as Men; and therefore we must have regard only to their Act of consenting, and not to their Reasons; otherwise no consent of a Multitude will be valid, for the Reasons of many of them will be always invalid, and such as may be resolv'd into some Passion or other. The Doctor adds, that *in the plain* Ibid. *the Romans themselves were great Usurpers, and had no other Right to the greatest part of their Empire, but Conquest and Usurpation.* The *Romans* always pretended Justice in their Wars, and if their pretence was true, and the Right of Conquest in a just War be a good one, they had a just Right to their Acquisitions; they obtain'd a just Right to many of their Provinces by the dedition of the former Sovereigns and by express Compacts with them, and by the extinction of all Competitors. But in short, it may suffice to answer, that when *St. Paul* wrote this Epistle to the *Romans*, they had a Right to their Provinces by Prescription, and the Law of Nations declares that to be a good one.

This is all that the Doctor hath objected to the Title of the *Roman* Emperors, and for any thing he hath objected, their Title was just and lawful. He says, *if we* Ibid. *must obey such Powers as the Roman Power was, I know very few Powers that we may not obey*; and he had said it to some purpose, if he had prov'd that Power to be Usurpation. But I know no Powers that are more lawful, and if we are requir'd to obey such Powers only, we are under no Obligation to be the Subjects of Usurpers; if the Powers intended by the Apostle were lawful, then he requir'd Subjection only to lawful Powers, and to say that he speaks of such Powers is not *gratis dictum* for there is evidence of it; if I were the Doctor, I should say there *is little less than Demonstration for it.*

2. That the Rule of the Apostle must be restrain'd to lawful Powers does from evident, as from the Powers then in being, so also from the Nature of the Duty, and the Apostle's manner of expressing it.

Subjection or Non-Resistance is the Duty requir'd; but Scripture it self and the Law of Nations do allow Resistance of Usurpers; and therefore this Rule of Scripture ought not so to be interpreted as to prohibit that which is allow'd by Scripture and by the Consent of Nations, especially when it may be interpreted in a Sense agreeable to them: Who can doubt but that the Recuperative Wars of the *Israelites* against the Nations that usurp'd upon them, recorded in the Book of *Judges*, that the Resistance of *Absalom* by *Joab*, and other Loyal Subjects, and the Deposition of *Athaliah* after a Settlement of six Years Possession, are approv'd in Scripture? Does Christianity any where forbid such Recuperative Wars? Have not all Nations ever allow'd and practis'd them? And are not they allow'd by all Divines and Christians, excepting *Quakers*, *Anabaptists* and *Socinians*? But if such Wars for the recovery of usurped Dominion are lawful; it evidently follows, that Usurpers may be lawfully resisted, and therefore they are not such Powers as are declar'd by the Apostle to be God's Ordinance, and unresistible. Nothing can be objected to this Argument, but that a Recuperative War may be lawful to the dispossessed Sovereign, and yet unlawful to the Subjects; and this indeed is asserted by the Doctor. But here it shall suffice to reply in short, that if an Usurper be God's Ordinance and Minister, he has a Divine Right to the Throne, and therefore a Recuperative War against him is a War against God; it cannot be lawful to dispossess any one of a Power for which he has God's Authority, no Truth and Principle can be more evident than this, and so the Result must be, either that the Usurper is not God's Ordinance, or that a War to dispossess him is absolutely unlawful; if the Doctor choose the former, he overthrows his Book, if he choose the latter, he contradicts Scripture, the Law, and Practice of all Nations, the Judgment of all Lawyers, and almost all Divines, and asserts a Proposition of which the L. * *Baoom* hath said, That *no Man is so poor of Judgment as to affirm it.*

Case of Allegi. p. 26.

* *Considerations touching a War with Spain.*

3. It should be considered that an Usurper is ὁ ἀντιτασσόμενος τῇ ἐξουσίᾳ, one that resists, opposes, and fights against Authority; he is so, much more than a Rebel; for his Opposition is greater, and his Usurpation is onely prosperous Resistance; all the Iniquity of Resistence does lie in the Usurpation of that Power which by divine Ordinance is invested in another; for when Resisters have a lawfull Right to the Power of the Sword, there is no Iniquity in their Resistence, and they are not within the Apostles Prohibition; that which makes them liable to Damnation is the usurping the Power of the Sword, and using it against those who have a divine Commission for the Exercise of it: There can be no Resistence without Usurpation, and therefore Usurpers must be condemned by the Apostle as well as the Resisters, and if the Resister in the Apostle does comprehend the Usurper, it is impossible he should be God's Ordinance, and have a Right to Subjection by virtue of his Authority.

To this it will be objected, that the ὁ ἀντιτασσόμενος is he who resisteth a Sovereign in Possession, that such a Resister usurps the Power of the Sword, and is liable to Damnation; but if by a prosperous Resistence he gets Possession of Sovereign Power, he ceaseth to be an Usurper, and has God's Authority; and the former Power is no longer the Ordinance of God, but is deposed by him. The force of this Objection consists in these two Propositions: 1. That Subjection is due to all Possessours of Sovereignty. 2. That a lawful Sovereign ceases to be God's Ordinance, when he is dispossessed. But neither of these Propositions are affirmed by the Apostle; he says not that every Sovereign in Possession is God's Ordinance, but οὐκ ἔστιν ἐξουσία, there is now no Power over us, but of God, and αἱ ἐξουσίαι οὖσαι, the Powers now in being are ordained of God. It is very obvious that these Propositions are limited to the Powers then in being, and the former Propositions included in the Objection are universal, and every one that has but natural Logick, does know that Universals are not comprehended in particulars.

lure. As to the 2d Propoſition, the Apoſtle has given us no intimation how a Sovereign that is God's Ordinance can ceaſe to be ſo, nor has he taught us, that when he is wickedly depos'd by damn'd Reſiſters, he is depos'd by God's Authority alſo. This Doctrine is neither taught by the Apoſtle, nor by any of the inſpir'd Writers. The whole Scripture is a perfect Stranger to theſe two Propoſitions, and the *pretended Writers* for Uſurpation cannot produce any Text of Scripture, which contains them either expreſly, or virtually. To except the Uſurpers of Sovereignty out of the number of Reſiſters, is therefore a precarious Exception, that has no Foundation in the 13th of the *Romans*, nor in any Chapter of the Bible.

4. Let us then ſuppoſe that Reaſon is the ſole Judg of this Controverſie, Whether a Sovereign diſpoſſeſſ'd is no longer God's Ordinance? And whether a proſperous Reſiſter, who has uſurped the Sovereignty, is ordained by God, and has his Authority to govern? Theſe are not Propoſitions that carry their own Evidence, and from what Topicks ſhall we deduce them? From the politick Good and the Preſervation of humane Society? But this Proof will be as doubtfull at leaſt as the Propoſitions to be prov'd; not only becauſe it is a great Queſtion, whether the publick Good can ſet up Kings and depoſe them; but alſo becauſe it will ſeem evident to many, that the Encouragement of Reſiſtence and Uſurpation by conveying divine Authority upon every proſperous Reſiſter, and the unavoidable conſequence of frequent Wars, the greateſt Evil to Society, which will often end in Anarchy, and the Diſſolution of Society, are the things which are moſt deſtructive to the publick Good, and the Preſervation of Society.

Are thoſe Propoſitions then to be deduced from the Topick of Providence? We all acknowledge that the World is governed by Providence; but this can be no Proof, that whoever gains any thing by any concurrence of Providence has God's Authority to keep it. If it were, theſe two Conſequences would be inevitable, 1. That God does authorize all the Injuſtice, and all the Wickedneſs in the World, for no Man can commit Wickedneſs without ſome concurrence of God's Providence, and if that be a proof of his Authority, then it neceſſarily follows, that God does authorize it. 2. That there is no ſuch thing as the Obligation of Juſtice; for if there be, no doubt it binds us to render to every Man his due; but if it is impoſſible to get the Poſſeſſion of any thing without God's Providence, and that is always a Conveyance of his Authority; then he who has the Poſſeſſion of another's Property, has acquired a Divine Right to it, and there can be no Obligation upon him to reſtore it. And in ſhort, nothing can be due to a Man, which he has not in his Poſſeſſion; and therefore ſince *ſuum cuique tribuere* is the onely Office of Juſtice, and that Office is impracticable, it follows, that Juſtice is only an empty Word, that has no ſignificancy in it. Theſe are the deſperate conſequences of that Doctrine which overturn at once the very Foundations of all Religion, civil Society, and Morality; and therefore we are as ſure that it is falſe, as that God is holy, that Juſtice is a Duty, or that Wrong is not Right, nor Vice Vertue.

Providential concurrence thereof to the gaining of any Poſſeſſion, is in its ſelf no Proof of the conveyance of divine Authority, it neither deprives the former Poſſeſſor of his Right, nor tranſfers it to the new one; this is undeniable in the Caſe of private Property, and there is equal Reaſon to allow it in the Caſe of Sovereignty. Private Property and Sovereignty are different Things indeed, but the notion of Right apply'd to both is the ſame, and the concurrence of Providence to the acquiring of both the ſame; and therefore if Providence extinguiſhes not the Right to one, neither does it ſo to the other; if it gives not a divine Right to Robbers, neither does it to Uſurpers: Since the influence and co-operation of Providence is the ſame in bringing any one to the unjuſt Poſſeſſion of a Purſe, a Houſe, a City, and a Kingdom; and it is impoſſible for Reaſon

fion to observe any difference as to the concurrance of Power, (though there be a difference in the extension of Power proportionably to the Usurpation,) it necessarily follows, that from the precise Consideration of Providence, Reason cannot possibly distinguish between God's Ordinance and Permission, his conveying Authority upon an Usurper and not upon a Robber, his establishing the Possession of a Throne by divine Donation, when he gives no Establishment to the Possession of a Robber.

But on the contrary, Reason seems to assure us, That God's Providence does never give Authority to Injustice; that Robbery is not God's Ordinance; that great Robbers are no more authorized by him than little Robbers: that as Stealing of it self introduces no Right, so neither does Rebelling nor Usurping: that Prosperity in Wickedness is no Proof of a divine Commission: lastly, that if resisting God's Ordinance be unlawful, it is unlawful to carry on and continue that Resistance. If it is unlawful to resist a King so far as to depose him, and to usurp his Throne; and if it be unlawful to resist and to usurp, it is unlawful to continue the Usurpation by keeping Possession against the rightful Sovereign; for that is only a continuation of his Injustices which increases his Crime: and if it be unlawful to resist a lawful Prince, to depose him, to usurp his Throne, and to continue the Usurpation; it seems evident beyond all Contradiction, that an Usurper while he is such, is never established by God's Authority; for that is never granted to unlawful Acts or Possessions. In short, If it be unjust to usurp, the Usurper is bound to Repentance and Restitution; he who has unjustly invaded another's Right, is bound in Justice to restore it: And if the Usurper is bound to restore the Power he has usurped, he cannot have a divine Right to that which he is bound to restore to another, and consequently cannot have the Establishment of divine Authority. Thus one is the voice of Reason; and if Reason is so far from proving that an Usurper is God's Ordinance, that it proves the contrary; If that Proposition is not to be found in the 13th of the Rom. nor in any part of the Bible; if an Usurper be properly a Resister of God's Ordinance; if the Examples in Scripture, and the Law of Nations do prove it lawful to resist him; and finally, if the Powers to whom the Apostle requires Subjection were lawful Powers, that it is evident that the Rule of the Apostle must be understood of lawful Powers, and that there is as much evidence for excepting of Usurpers, as there is for excepting Thieves or Rebels. Thus there is Reason to except Usurpers out of the Rule; and this will appear more reasonable when we have examined the Doctor's Arguments against it.

1. He objects, *that the Cruxeiσon between Αρχαις and Εξουσιαις will not do, because they signifie the same thing in Scripture, either Force and Power, or Authority.* But he has produc'd no Instance to shew that Εξουσια when it denotes Civil Authority, does signify Possession of Power without Right; he knows the Word is derived from εξειμι, εσομαι, and therefore properly it must signifie only * Lawful Power: as to Αρχαι, which he is far from being positive concerning Civil Authority, and when the same Apostle declares that our Saviour was exalted *above* πασαν Αρχην και Εξουσιαν, not only in this World, but also in that which is to come; I hope he spake not of Usurped Powers, unless there are such also among the Angels in Heaven. Every one knows that Force and Authority are two different things; and if Αρχαι be applied to signifie Force, and Εξουσια Authority, the Proprietary of the Words will bear it: but we depend not upon that Distinction to exclude Usurpers; though it is manifest that Εξουσια in Scripture must be sometimes us'd for lawful Authority to signifie only Lawful Power, as *Matth.* 21. 23. and I have shewn

Page 19.

* Phavorinus thus explains the Word, Εξουσια ἡ ἐπι τοις ἀλλοις κυριοτης· ἡ ἐξουσια ἐστι δυναμις ἐπιτετραμμενη. Εξουσια and Δυναμις differ as much as Power and Authority. It is a Legal Commission, Power invested with Authority by a grant from God.

shewn there is a necessity of understanding it so in the 13th of the *Romans*.

2. But the Doctor observes, *that* αἱ ἐξουσίαι *are* οἱ ἐξουσιάζοντες, *those who exercise Authority, and the* οἱ ἀρχοντες, *the Rulers*, ver. 3. *the Ministers of God which bear the Sword*, ver. 4. *in St.* Peter, *the* βασιλεὺς *and* ἡγεμόνες, *the King and Governours*; and thence he infers that ἐξουσία does *evidently relate to the exercise of Civil Authority, not to a legal Right*. I think it relates to the rightful exercise of Authority; God gives Authority and Power that it may be exercised, but if wicked Men obstruct the exercise of it, the Gift is not forfeited, though the End is accidentally defeated. In a Rebellion, which is the Parent of Anarchy, the Sovereign cannot exercise his Authority; But does he then cease to be the ἐξουσία, which is God's Ordinance? Or are the Rebels then Licensed to resist him? The same is the case of Usurpation; the Usurper obstructs the exercise of God's Authority, and his own Wickedness can give him no Right to continue it. The exercise of God's Authority is often hindred by the Wickedness of Men; as for instance, his Authority in a Father when his Children are Rebellious, in a Husband when his Wife, in a Master when his Servants are Disobedient, and in a Bishop, or Pastor, in the Cases of Schism, Usurpation, and Persecution; and yet still the one remains a Father, the other a Husband, the other a Master, and the other a Bishop, though those are names which relate to the exercise of Authority, as well as Rulers, Kings, and Governours.

Ibid. 3. He insists much upon the silence of Scripture, as to the distinction between rightful Kings and Usurpers; he affirms there is no such distinction to be found any where in Scripture, and thence he argues, *That if St.* Paul *had intended any such distinction, he ought to have said it in express Words, or else no body could have reasonably understood him to intend this precept of Subjection only to legal Powers*. To this Objection the Doctor himself hath given a sufficient Answer. What he has observed of our Saviour in his *Case of Resistance*, is as true of his Apostle; *We have no Reason to suspect that Christ would alter the Rights of Sovereignty.*— *This was no part of his Commission to change the external Forms and Politics of Civil Governments.*——— *He who would not undertake to divide an Inheritance between two contending Brethren*, Luke 12. 13, 14. *Can we think he would attempt any thing of that vast Consequence, as the alterations of Civil Power, which would have unsettled the Foundamental Constitutions of all the Governments of the World?* Again, *What Rights he found Sovereign Princes possessed of, he leaves them in the quiet Possession of; for had he intended to make any change in this Matter, he would not have given such a general Rule, to render to* Cæsar *the Things which are* Cæsar's, *without specifying what those Things are. And therefore he leaves them to the known Laws of the Empire to determine what is* Cæsar's *Right; whatever is essential to the notion of Sovereign Power, whatever the Laws and Customs of Nations determine to be* Cæsar's *Right, that they must render to him, for he would make no alteration in this Matter.* Now, say I, if our Saviour, or his Apostles, had enjoyn'd Subjects to adhere to Usurpers against their legal Sovereigns, *They had altered the Rights of Sovereignty, and unsettled the Fundamental Constitutions of all Governments: But on the contrary, they leave all Princes in the Possession of their Rights, they have given us this general Rule, that we should render them their dues; and what those are, they have left to the Laws of Nations to determine, and whatever the Laws and Customs of Nations determine to be a Prince's Right, that the Subjects must render to him, for the Gospel has made no alteration in this Matter.* And if this be good Reasoning, then the point is, whether Allegiance were due to Usurpers before the Gospel, for if it were not, the Gospel has *made no alteration in this Matter*; nor made that to be a due, which before was none: But the Examples of Scripture, the Law and Consent of Nations,

Case of Resist. p. 43, 44.

Ibid. p. 55, 56.

Nations, which have always allowed the Resistence of Usurpers, do put that out of Question; and therefore supposing the Gospel has given us no distinction between rightful Princes and Usurpers, that silence can be no Argument against it; for the Gospel has left the Rights of Princes as it found them, it requires Subjects to render them those Rights, and if by the Laws of Nations Allegiance is the right of lawful Princes, it is their Right also by the Gospel.

Where may we find in Scripture any Distinction between a true and a false Father, a lawfull Husband or Master, and such as usurp those Characters? Yet Subjection is required to Fathers, Husbands, and Masters, as well as to Sovereign Princes: but there was no need that the Scriptures should declare, that it was due only to real Fathers, and to lawful Husbands and Masters; or that it should give Rules to distinguish them from the Usurpers of those Authorities; common sense is sufficient to inform us, that such a Distinction is necessary to be made, and in ordinary cases it is eahe to distinguish them. The Scripture requires Obedience to Parents, but tells us not who they are, nor distinguishes real Parents from pretended, and yet no one thinks that filial Obedience is due to the Usurpers of that Authority. Suppose it to be in the Case of Subjection to Civil Powers, the Scripture requires it, but distinguishes not between lawfull Powers and Usurpers, Must we therefore conclude, that it requires Subjection to Usurpers? And why may we not conclude alike for the Usurpers of paternal Authority? Is it because Sense and Reason do agree that Usurpers must be distinguished in the one Case, but not in the other? But Reason tells me plainly, that Obedience is not due to the Usurpers of Civil Power; for he who has no Right to Power, has no Right to Obedience. The Foundations of Paternal and Civil Authority may be different, but in both the Duty of Obedience must be founded on a Right to Obedience: nothing can be due to him who has no Right; as an Usurper of paternal Power has no Right, so neither has the Usurper of Civil Power; he has neither a legal nor natural Right; and as for the Right of Providence, both the Usurpers may lay an equal Claim to it, for they are both advanced by the same way of Providence. There is no more Reason therefore to pay Obedience to a Civil Usurper, than to the Usurpers of the Power of Fathers, Husbands, or Masters; and where there is a plain necessity of making a distinction, the silence of Scripture is no Argument against it.

There is no express Distinction in Scripture between the legal and illegal Possessor of an Estate, there are onely general prohibitions of Injury and Injustice, and general Precepts of rendring every Man his Due, but what Estates or Properties are due to every Man, is left to the Civil Laws of Nations to determine; and yet the Silence of Scripture in these points, is no Argument against the Distinction of Right in private Possessions, and how can it hold good against the same Distinction in respect of Sovereignty? There is the like Reason and Necessity for admitting it in the one case, as there is in the other; if there be any difference, it is on the side of Sovereignty, which is the preserver of private Property, and of much greater Importance; and therefore in reason ought to be better secured, and the right to it be more inviolable; however if there be no distinction in Scripture about the Rights of Sovereignty, so neither about the Rights of Property; and therefore the Silence of Scripture is of it self no Argument against it.

Let us suppose the Throne to be vacant, and two Competitours claiming it, and claiming a Right to our Allegiance, how shall the Conscience of the Subject be directed in this Dispute? Here the Scripture is perfectly silent, and gives him no particular Directions; but the Laws of the Land, and the Oath of Allegiance will direct him to pay his Allegiance to the true and lawfull Heir, if he knows him; and the Doctors acknowledge, *That the Laws of the Land are the Rule of Conscience, when they do not contradict the Laws of God.* And he

Case of Allegiance, p. 32.

he acknowledges also, that in such a Case we are bound to oppose the illegal, and to assist the lawful Title; thus far the Laws of the Land are the Rule of Conscience, though the Scripture makes no distinction between a lawful and unlawful Heir. But suppose farther, that the false pretender does actually usurp the Throne, and the lawful Heir does still demand our Allegiance: Here again we suppose the Scripture to be silent, and that there is no distinction in it between rightful Princes and Usurpers, and then it is evident, we can have no other direction but the Law of the Land, and if the Law determines our Allegiance to the rightful Heir, we are certainly bound to obey the Law, because it *contradicts not the Laws of God.*

But the Doctour will not allow, that the Scripture is perfectly silent in this matter; for he objects, *That the Apostle generally affirms, that all Power is of God; and therefore if he had not intended that we should understand this as universally as he expresses it, he should have limited it to legal and rightful Powers.* This I have answered already; there is no necessity of understanding the Apostle's words universally, of all the Powers that ever were, are, or shall be in the World; it is very probable he spake onely of the Powers then in being, *viz.* the Roman Emperours; the Words will fairly allow that Construction, and It is impossible to confute it: And therefore since there is no necessity of understanding the words so universally, as to take in all Usurpers, it is evident, That Text is no sufficient Rule to direct us in that Difficulty; and if there is no plainer Direction in the Bible, we are left only to politick Laws; and if these direct us to pay Allegiance to the lawful Prince, they are a Rule to us, and we must regulate our Actions by them.

Vindicat. p. 57.

In short, the Scripture directs us to render to Sovereign Powers their due, and not to resist them, as it directs us to pay Obedience to Parents, Masters, and all that have Authority over us: But which are the higher Powers, and who are our Parents or Masters, or are invested with any Authority over us, the Scripture does not determine; but when there is any Competition, we are left to Moral Evidence, to Political Laws, and to the Laws of Nature and Nations to direct us; and it is no imperfection in Scripture, if it does not determine such Controversies, if it supposes us rational Creatures, and embodied in Civil Societies, and under the Direction of Laws sufficient to determine them.

4. The Doctor urges, *That if the Apostle had intended such a Distinction between rightfull Princes and Usupers, to the fulfilling of his Precept, it would be necessary for Subjects to examine the Titles of Princes, and to that end to be well skilled in the History and Laws of Nations, and to be able to judge between a pretended and real Right, and to know exactly what gives a real Right: But these are great Disputes among learned Men, and how should unlearned Men understand them? And I cannot think that the Resolutions of Conscience in such Matters as all Mankind are concerned in, should depend on such Niceties as learned Men cannot agree in.*

Case of Allegiance, p. 19.

The Force of this Objection, as far as I can apprehend it, is this: That learned Men who are skilled in Law and History do often differ in their Opinions of a legal Right, and it cannot then be supposed that unlearned Men, who are the greatest part of Mankind, should be able to judge of it; and therefore it cannot be a Rule to them. But is not this Objection as strong against the Law of God, as against the Laws of Nations? If nothing can be a sufficient Rule to the unlearned, which the unlearned cannot agree in, Does it not plainly follow, that the Scripture cannot be a Rule of Faith to the unlearned, (who are the greatest part of Mankind,) because the most learned do differ in interpreting it? Is not this to say, (they are his own words,) *that nothing can be clear in Scripture which is matter of Controversie, and thus we must be either Scepticks in Religion, or seek an infallible Interpreter?* Thus Hereticks

Vindicat. p. 48.

like oppose the Articles of Faith, that Papists Dispute against the Scripture's being the Rule of Faith; and yet I think it would be unjust and uncharitable to insinuate, (as he does against his Adversary,) that the Doctour has an *Inclination to* Rome, because his Argument *looks kindly* towards it.

But the Doctor easily eludes this Consequence, I *grant indeed that the Resolution of Conscience ought not to depend on such Niceties of Law and History as learned Men cannot agree about, and that is a Reason why legal Rights should not be the Rule of our Obedience to Princes; but is this a Reason to reject the Directions of Scripture too, because some Men will dispute the plainest Texts?* Well, but are not Law and History in many things as plain as the plainest Texts in Scripture? And if those can be no Rule of Conscience because learned men do raise Disputes about them, does it not follow, that the plainest Texts of Scripture can be no Rule of Faith, if the learned raise a Controversie about them; if nothing can be a sufficient Rule which has been disputed by the learned, neither Law, nor History, nor Scripture, nor even Sense or Reason are sufficient Rules; for inextricable Difficulties have been raised about them by perverse Disputers. He will say, that legal Right depends on the Niceties of Law and History, but Articles of Faith upon plain and evident Texts of Scripture, and yet even those evident Texts are many of them perplex'd by the Niceties of Criticism, and the subtile Interpretations of Hereticks. The Scripture evidently teaches the Divinity of Christ; but the Doctor knows, (and no Man better) that the *Socinians* who deny it, do elude the plainest Texts, and by their Skill in Criticism do wrangle them into Niceties. A Rule then may be plain and sufficient, though learned men do pretend it is difficult and obscure, and say it *depends on Niceties*, and the Question then is, Whether humane Laws may be a plain Rule to determine the Rights and Titles of Princes; for it is certain the Rule may be plain in its self, though learned Men may make a Nicety of it.

Ibid. 49.

But nothing can be a more palpable Absurdity, than to say that Law cannot be a plain Rule of Right, for that is to say, that the Lawgiver cannot plainly declare his Will, and that no Controversie about Right can be determin'd by Laws; and if the Law may be a plain Rule to determine the Rights of Subjects, may it not be as plain about the Rights of Princes? Have not our Laws plainly declar'd the King to be irresistible? Do they not plainly invest him with the whole Power of the *Militia*? I know that learned Men do not agree in these Points, but I think the Doctor will grant that the Law is clear about them. And in the nature of the Thing there is no Reason, but it may be as clear about the Right and Title to the Crown; for may it not be plainly declar'd by Law, that the Crown shall descend by Hereditary Succession, and that he who invades the Crown without this Right is an Usurper, and has no Legal Right to Allegiance? this we believe to be our Law, and we believe it to be a plain and sufficient Rule to the Subjects: But when we say that the Law is plain, we do not deny but learned Men may have another Opinion of it, we intend that the Law is plain in it self, and may be made plain to Men of common Understanding, who will take the pains to inform their Judgment, and judge without Byas and Interest. The very design of Law is, that it should be a plain Rule of Right and Practice, and it is a Rule to the common People as well as to the Lawyers; it is presum'd they may understand it, if they will, and the ignorance of Law is always presum'd to be affected, and to be culpable as well as the Transgression of it. To say therefore, that the Law cannot be a plain Rule to the unlearned who are bound to obey it, is a plain Contradiction to the very nature and end of the Law, and is to charge it downright with Folly and Barbarity.

There are many Difficulties in Law, as there are in Religion, and as both the unlearned must consult the learned, the Lawyers and Divines; but they must judge easily for themselves, and judge rightly at their peril; if a Lawyer, or a Judge, advise

vile a Man to commit Treason, and tell him it is lawful, the Law will nevertheless condemn him as a Traitor. The Law no doubt requires our Allegiance to the legal King; but he who should pry his Allegiance to another King, though he should think him to be the legal King, his Mistake would be no good Plea in Law against an Indictment for Treason; the reason is, because the Law is suppos'd to be sufficiently promulg'd to all, and therefore the ignorance of it is inexcusable. In short I demand, was not the Law of the Land sufficient to inform all Men, that K. *James* the First had a legal Right to the Crown, and that *Charles* the First and the Second, had it successively after him; was there any honest understanding Man in *England* who ever doubted of their Right, and that when the two last were actually excluded from the Possession of it? Nay, was the Right of K. *James* the Second, either unknown, or uncertain to any of that Character? I think the Doctor will confess that the legal Right of these Princes was among all honest Men certain and unquestionable; and thence it evidently follows, that the Law of the Land may be a clear Rule of the Prince's Right and the Subjects Obedience, and if the Law may sufficiently direct us how to distinguish between Rightful Princes and Usurpers, there is no need of any other Direction.

But though the Law be in it self a sufficient Rule as far as the intention of it reaches, yet Controversies may also arise, as in other things, so in the Right to the Crown, of which there could be no foresight, and therefore no Provision about them; and further, it sometimes happens, that when the Law is clear, the due application of it is doubtful and difficult, the matter of Fact being disputed, when the Rule of Right is uncontested. Thus in those Kingdoms where there is a known and uncontroverted Rule of Succession, yet there are sometimes Controversies about the matters of Fact which are necessary to the application of it; as for instance in Hereditary Kingdoms, who is the right Heir; in Elective, who is duly elected. When such Cases happen as are beyond the Provision of Law, and for which there could be no Provision, as in the Disputes of Fact, if there be no Legislative Authority to determine them, (as it is thought there can be none in the Disputes about the Right to Succession,) there is no other way but for every Man to judge for himself, to examine the Competitors Evidence for their Claim and Title, to judge impartially, and to act accordingly. But it follows not hence, that Law is an insufficient Rule, because it prevents not, or decides not all Controversies about Right; for neither can Scripture, which we acknowledge to be a sufficient Rule in Religion, decide all Controversies that relate unto it; for instance, it requires *Christians to obey them that have the Rule over them*, not every one surely that intrudes himself into the Office of a Ruler, but only those that are lawfully called to it; but who those are the Scripture does not determine, that is a dispute concerning matter of Fact, and must be decided by such Evidence as can be had concerning it.

But when the matter of Right and matter of Fact is clear, (as ordinarily they are in the Rights of Sovereigns to their Crowns) then there is a plain Direction for the Allegiance of Subjects: But in cases extraordinary, when Right and Fact are doubtful, and there is no such Evidence concerning them as may direct honest and understanding Men to the right Object of their Allegiance, in such Cases it is agreed, That if either of the Competitors be in Possession, the Subjects must pay their Allegiance to the Possessor, for the Laws of Nature and Nations, declare Possession to be a just Right when there is not a better, and Allegiance certainly is due where there is a just and lawful Right to it. And thus the unavoidable Defects of Political Constitutions are supplied by such Rules, as are founded on the Law of Nature and the Consent of Nations; and therefore if the Scripture has only required Obedience to the higher Powers in general, and has left us to the direction of other Laws, to determine which those Powers are to whom

a *Pufendorf de Ju. Nat. & Gen.* lib. 7. c. 7. §. 15.

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our Obedience is due; we are not left to Niceties and Uncertainties, but have as clear and plain direction as the nature of the Thing will admit, and reasonable Men will expect no more.

Case of Alleg. p. 20.

3. Farther it is objected, That *the Reason the Apostle gives for Submission to the higher Powers is not a legal Right, but the Authority of God; that all Power (or every one who exercises the supreme Power) is of God, and the Ordinance of God, which seems plainly intended to wave the Dispute about the legality of the Powers.* But, 1. This Objection does conclude as strongly against his own Principle as against his Adversaries; he requires Allegience not *to every one who exercises the supreme Power*, so did *Oliver*; but to a Possessor throughly settled by the general Consent of the People: But *the Reason the Apostle gives for Subjection to the higher Powers*, is not a through Settlement or the Consent of the People, *but the Authority of God; that every one who exercises supreme Power is the Ordinance of God, which seems plainly to wave all Disputes* about Settlement and Consent. He can make no reply which will not serve his Adversaries; if he says that Settlement and Consent are not the formal Reason of Allegiance, but only the Signs of God's Authority to which it is immediately due; we say the same for our Principle; we confess that the Duty of Allegiance must be ultimately resolved into God's Authority; we only affirm that a lawful Right is a Sign of that Authority; we maintain that Allegiance is due to God's Authority, and thus far we are agreed; But how shall we know when a Prince is invested with this Authority? When he is settled, saith the Doctor; when he has a lawful Right, say others; and here lies the difference between us: If the Apostle had required Subjection to all Possessors for the sake of Possession, there could have been no Dispute about the legality of Powers; but since the Apostle's Reason of Subjection is not Possession, but the Ordinance of God, and he does not say that every one who is in Possession is ordained by God, (for *every one who exercises the supreme Power* is the Doctor's saying, and not the Apostle's,) it remains a Question what Powers in the meaning of the Apostle are ordain'd by God, whether lawful only, or also unlawful Powers; and if he means lawful only, the Dispute about Legality is unavoidable.

Vind. p. 56.

The Doctor in the Vindication of his Arguments from *Rom.* 13. demands *How God does invest any Prince with his Authority, whom he does not immediately nominate?* To this he Answers himself, and confutes himself, but my Answer is, That God annexes his Authority to those Princes who have a lawful Right to govern, or to execute the Regal Office. And what says the Doctor? *If God's Authority be annexed to the Regal Office, a Prince must be in the actual Administration of the Regal Office, before he can have God's Authority; as a Man must be actually Married before he can have the Authority which the Divine Laws give to a Husband.* By Regal Office either he means the Duty in the Abstract, and whoever said that God's Authority was annexed to the Duty; or he must mean a Right to execute it, or the actual Execution of it; if he means the former, he asserts a manifest Absurdity, That he who has a Right to an Office must be in the actual Administration of it; if the later, he only asserts, That a Prince who actually administers the Regal Power must be in the actual Administration of it; and thus this shew of Argument is nothing but an Amusement, and so is the similitude of an Husband; for the Relation of a Husband is subsequent to Marriage, and no Man can have the Authority of a Husband before he is a Husband: But the Relation of a King is not founded upon Possession, but upon a Right to govern, which implies a Right to Obedience, and we acknowledge that a King must actually have that Right, before he can have God's Authority; but this very Instance of a Husband is a convincing Proof, that God's Authority may be given to those that cannot exercise it, for that is the condition of many Husbands.

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Ibid. He urges farther, That *to call a Right to the Crown the Authority of Government, is contrary to the Senſe of Mankind, when they ſpeak of Sovereign Princes: For he has actual Authority, who actually adminiſters the Government, and it is actual Authority which is God's Authority, not Authority in Fancy and Idea, for God does not give Authority to govern without the Power of Government, which is a very fruitleſs and inſignificant Authority.* The Reply is very obvious; a Right to the Crown is a Right to govern, and that implies Authority to govern; and a Prince may have actually this Authority, and yet not actually adminiſter it: And this is ſo far from being *contrary to the Senſe of Mankind*, that nothing is more conſonant to it; for all Men know that there may be Power without Authority, and Authority without Power, and there is no Man in his Wits but can eaſily diſtinguiſh them; and this is not an Authority *which ſubſiſts only in Fancy*, for it has a moral Efficacy and obliges to Obedience, and it might as well be ſaid that all Duty, Law and Right, are nothing but *Fancy and Idea*; but to ſay that *God never gives Authority to govern without the Power of Government*, is an Aſſertion manifeſtly falſe; Have not Parents, Maſters, and Husbands, Authority from God to govern, when they cannot govern thoſe that are ungovernable? Had not *David* God's Authority to govern when *Abſalom* forc'd him to be Abdicated? Had not *Charles* I. Authority to govern the Parliament, and the Regicides? And have not all Princes the ſame Authority over their Rebellious Subjects? But God's Authority without Power *is fruitleſs and inſignificant*; that, I think, is no fault of God, or his Authority; the Grace of God is fruitleſs, much more than his Authority, and his Authority in Parents, Husbands, and Church Governours, is too often as inſignificant as his Authority in Princes; but woe to them who render God's Authority inſignificant, *For their Damnation ſlumbereth not.* And this may ſuffice to his Objection about God's Authority. But he endeavours farther to ſupport it by obſerving,

6. That the Phariſees made this Objection againſt Submiſſion to the Roman *Powers, that they were bound by the Law of God not to ſubmit to them, as being unjuſt Uſurpations upon the Privileges and Liberties of God's People; and therefore the Apoſtle tells them, that all Powers are of God, and the Powers that be are ordained of God.* Let it be granted now that ſome ſuch Objection was made by the *Phariſees*; How does it appear that the *Apoſtle* intended to oppoſe or anſwer it? Was that Opinion maintained by any of that Sect after they were converted to Chriſtianity, or by any of the *Roman* Converts, or by any of the *Chriſtians* at all? That the Doctor will not affirm, and if he does it, it is impoſſible to prove it. And why ſhould we then imagine that the *Apoſtle* deſigned to confute an Error, which appears not to have been maintained by any that he wrote to, which he never mentions in his Writings, and of which he has not given any intimation.

Caſe of Allegiance to the Roman Powers, p. 20.

Vind. p. 57.

However the Doctor *doubts not but St.* Paul *knew that the Phariſees made this Objection, and for that very Reaſon he affirms that all Power is of God, and that they muſt be ſubject to the higer Powers without any diſtinction; which he would not have done, if any diſtinction ought to have been made, when he knew the Diſpute was about the* Romans, *whom they looked upon as Uſurpers over them.* Well, but if St. *Paul* had that Objection in his view, Can we imagine he would not have expreſſed it, nor have given the leaſt hint of it? If that was the Reaſon, for which he affirmed that *there is no Power but of God*, one would wonder why he ſhould not expreſs it, and why he did not directly determine that Controverſie, by condemning the Diſtinction. And beſides his Words can never be prov'd to affirm any more, than that the *ai ousai ἐξουσίαι*, the Powers at that time in being, were ordained by God, and this was ſufficient to confute thoſe *Phariſees* who taught the contrary; and therefore allowing

ing that the Apostle intended to confute them, there is no reason to extend his Words beyond their scope and intention, which we suppose was to condemn the *Pharisees*, who pretended the *Roman* Powers were Usurpers, and in opposition to them it was enough to affirm that they were God's Ordinance, and therefore Subjection was due to them.

But after all, This Reasoning from the *Apostle's* design to condemn the *Pharisees* hath no certainty in it. That the *Apostle* had that Aim is affirmed by no ancient Writer or Expositor. St. *Chrysostome* affirms that the *Apostle's* Design was not to shew that *Christianity* did not tend to overthrow civil Polity, but rather to establish it better; *Theophylact*, that the Gospel did not teach Men Disobedience and Rebellion, but Quietness and Obedience; and this is the common Sense of modern Expositors, that the Apostle here intended to vindicate *Christianity* from the Imputation of Disloyalty and Rebellion with which it was reproach'd by the *Jews* and *Gentiles*. *Calvin* observes, that there are always tumultuous Spirits in the Church, who think the Kingdom of *Christ* cannot be advanc'd, unless all earthly Powers be abolished; but the Jews above all others thought it an Indignity that the Seed of *Abraham*, who were a flourishing Kingdom before the coming of their Redeemer, should after his Manifestation continue still in Servitude: And not the *Jews* onely, but also the *Gentiles* thought it absurd to ackgowledge those for their lawful Governours who did cruelly persecute them, and endeavour to destroy the Kingdom of Christ: This last Objection is mentioned by *Origen* as aim'd at by the Apostle; and for these Causes, says *Calvin*, it is probable he was induc'd to give so strict a Charge of Subjection to Governours. Thus it appears that Expositors have Foundations, Designs, and Occasions for this Precept of Subjection: But as for the pretended Objection of the *Pharisees*, it is at best but guessing, and no Argument can be deduced from it.

Case of Al. p. 20 7. Farther he urges, that *There is no Reason to confine the Words of the Apostle unto legal Powers, unless it were evidently the Doctrine of Scripture, that usurp'd Powers are not of God, which is so far from being true, that the contrary is evident, that the most High ruleth in the Kingdom of Men, and giveth it to whomsoever he will*, Dan. 4. 17. He cites also to this Purpose *Dan. 2. 21, 37. It is he that changeth Times, that removeth Kings, and setteth up Kings*; therefore all usurped Powers are of God, that is the conclusion; and in some sense I grant it to be true, and to be rightly inferr'd from those Testimonies of Scripture. We acknowledge that God sets up Usurpers, and *gives them a Kingdom, Power, and Strength, and Glory*; but he gives and sets them up as he sets up Robbers, Murtherers, and Rebels, by granting them Power and Strength, and permitting, or not hindring them from the Abuse or wicked Exercise of it. In short, when Providence sets up Usurpers, it is not by the conveyance of Authority, but onely by giving them power and liberty to abuse it; the Power whereby they are enabled to subdue their Opposers is from God, but the Abuse of it, to remove a rightfull Prince, and to usurp his Throne, is merely from themselves, and is no otherwise from God than are all other Acts of Usurpation and Injustice. There are two ways then whereby God removes and sets up Kings, and gives the Kingdom of Men to whomsoever he pleases; by the Permission of Power, and the Conveyance of Authority; he permits a Prince the Possession of a Throne, when it is unjust and unlawfull for him to possess and keep it, and he conveys Authority when his Providence opens a way to the lawfull Possession of it; and if the Passages insisted on may be understood in this sense, they are far enough from proving that Usurpers have God's Authority.

And that it is reasonable to understand them in this sense, will appear by comparing them with other Passages of Scripture which assert the divine Providence in the Government of the World: *The Lord maketh rich; he bringeth low and lifteth up; he raiseth the poor out of the Dust, and lifteth up*

up the Beggar from the Dung-hill, to ſet them among Princes, and to make them inherit a Crown of Glory, 1 Sam. 2. 7, 8. *Thine is the Kingdom, O Lord, both Riches and Honour come of thee, and thou reigneſt over all, and in thine Hand it is to make Great, and to give Strength unto all*, 1 Chr. 29. 4, 12. *The Lord gave and the Lord hath taken away*, Job 1. 21. *and* Pſ. 75. 6, 7. *Promotion cometh neither from the* Eaſt, *nor from the* Weſt, *nor from the* South, *but God is the Judge; he putteth down one and ſetteth up another.* It would be endleſs to produce all thoſe paſſages, which affirm that Riches and Poſſeſſions, Honour and Promotion, do proceed from God; but theſe may may ſuffice, for they undeniably evince, that the Wealth and Advancement of private Perſons is as much directed by Providence, as the Advancement of the greateſt Monarchs; that God giveth Riches as well as Kingdoms *to whomſoever he will*; and that when private Perſons are Enriched and Promoted by the Ruine of others, it is God that *putteth down one and ſetteth up another.* But now it follows not hence, that every one who is in the Poſſeſſion of Riches and Preferments, does enjoy them by ſuch a Gift of God, as conveys Right and Authority to poſſeſs them; for then there could be no unjuſt Poſſeſſion of any Thing, ſeeing every Man would have a divine Right to what he actually Poſſeſſes; and therefore there is a neceſſity of Expounding thoſe Paſſages ſo, as to diſcharge God from being the Author of Injuſtice, to reconcile his Providence with the Rules of Right and Wrong, and to diſtinguiſh it according to the moral Nature of the Poſſeſſion to which it concurrs. When Riches are taken away from the rightful Owner, we may ſay as *Job* did, that *the Lord hath taken them away*, and that he hath given them to the wrongful Poſſeſſor; but this muſt be interpreted only of his permiſſive Providence, unleſs we will ſay that all Robbers have God's Authority and Commiſſion. But when God's Providence, together with the Poſſeſſion of Riches, conveys a Right to poſſeſs them, we are ſure this Providence is more than Permiſſive, and that Riches ſo acquired are properly, and ſtrictly the Gift of God. Undoubtedly it may be ſaid of Riches, that God *giveth them to whomſoever he will*; but it would be plainly inconſequent to conclude from ſuch Expreſſions, that every one who poſſeſſes Riches does hold them by a Divine Right, and by God's Authority.

And this is a manifeſt Proof, that when God is ſaid *to give Kingdoms, to remove Kings and ſet up Kings*, it does not neceſſarily follow from thoſe Expreſſions, that all Poſſeſſors of Kingdoms have God's Authority to keep them; for if the mere force of the Words could advance it, ſince the very ſame may be apply'd to Riches, and the ſame thing is actually affirmed concerning them, in Words equally expreſs and forcible; it would follow that all who have Riches, have a divine Right to them; but this Propoſition is inconſequent from thoſe Words, and therefore ſo is the other, that all Uſurpers have a divine Right to their Kingdoms.

There is no material difference in the Expreſſion; there may be difference in the ſubject Matter, or nature of the Things, to which it is apply'd, and the ſame Expreſſion may require different Interpretations according to the diverſity of the Matter. Thus it may be objected, that when God is ſaid to give Riches, and to give Kingdoms, the nature of the thing does require, that when Riches are given without a lawful Right to them, we ſhould look upon it only as a permiſſive Gift; but when God gives Kingdoms, it is reaſonable to underſtand, that he confers a Right to poſſeſs, and Authority to govern them. Now if the neceſſity of this Interpretation could be demonſtrated from Reaſon and the Nature of the Thing, I acknowledge we ſhould be bound to embrace it as the genuine Senſe of Scripture: But I have ſhewn that it is impoſſible to prove that Doctrine from Reaſon, and to find any difference in the nature of the Thing, between the Concurrence of God's Providence to the unjuſt Poſſeſſion of Riches, and to the Uſurpation of a Kingdom.

But since the Expression of God's giving a Thing, does not always imply a conveyance of Right and Authority to possess it, and in the Case of a Kingdom, there is no way to prove that it does but by an appeal to Reason; it is plain that the Objection from those passages of the Prophet, which pretends to be drawn from Scripture Testimony, must at last be resolved into Reason: It is no where declared in Scripture, that God's giving of Kingdoms is to be understood otherwise than his giving of Riches; and if nothing but Reason can shew, that giving of Kingdoms must always signifie a conveyance of Authority, then it is Reason (and not those Prophetick passages) which proves, that all Usurpers have God's Authority; and therefore those passages ought not to be urged as Proofs from Scripture, nor be brought to prove that it is the Doctrine of Scripture, that God does give Authority to Usurpers; for the result of that Proof must at least be this, that Scripture teaches it, because Reason teaches it.

Those passages do assert no more, than that God's Providence does rule the World, and particularly Kingdoms, and that they are not governed either by Fate or Fortune, or merely by the Conduct, Power, and Policy of Princes. *Nebuchadnezzar* ascribed his Greatness to himself, as the building of *Great Babylon*, so his Empire and his Kingdom *to the Might of his Power*, to his own Strength and Policy; he gave not Glory to God, nor had any regard to his Providence and Dominion; and therefore God admonishes him by Dreams and Visions, sends a Prophet to convert him, and when he still persisted in his Atheism, he punishes him with the loss of his Reason and his Kingdom; and the end of all this Discipline, *was to convince him, that the most high ruleth in the Kingdom of Men, and giveth it to whomsoever he will:* Of which Words the best Explication is, that which *Nebuchadnezzar* himself did make after his Conviction; that *God's Dominion is an everlasting Dominion, and that he doth according to his Will in the Army of Heaven, and among the Inhabitants of the Earth*, Dan. 4. 34, 35. Now what can be inferred from these passages, but only that God governs the World, and that his Government, or his Will is irresistible? But are we therefore forbidden to distinguish between his positive and permissive Will? Far be it from us to deny God's Sovereign Dominion, let him be *Anathema* that does it; we maintain only that God is not the Author of Wickedness, that his Providence is unsearchable to us, and that Law is the only Rule of our Actions.

But let us consider what the Doctor offers in the Vindication of these passages. To what he urges concerning *God's removing and setting up Kings*; I reply, that those general Expressions do prove only that God's Providence is always concerned in the Advancement and Depression of Kings; but sometimes his Providence is only permissive, and that extinguishes no Right, nor conveys any Authority: He should therefore have proved, that God does always remove and set up Kings by his positive and authoritative Will, and that the Text does say so; for if the Text does neither say it expressly, nor virtually, it is impertinent to produce it. Vind. p. 50, 51.

But *this is evidently the Prophet's meaning to attribute all the Changes and Revolutions of Government to the divine Providence.* I grant it, for it is certain no King can be removed or set up *whether God will or no*: But when God is said to give Kingdoms to whomsoever he will, *Does whomsoever signifie those only who have a legal Right? Does giving suppose an antecedent Right in him to whom it is given? Does giving to whomsoever he will signifie giving it only to those to whom the Law gives it? Do we use to say a Man may give his Estate to whom he will, when his Estate is entailed, and he cannot alienate it from the right Heir? We should think this a very absurd way of speaking among Men*; and he insinuates 'tis absurd, *To expound God's giving a Kingdom to whomsoever he will, to signifie his giving the Kingdom to the right Heir.* It may suffice to answer, That a legal Right Ibid. p. 51. Ibid.

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to a Kingdom is a Gift of Providence, and God inveſts it in *whomſoever he will*; what is it which brings any particular Perſon to legal Right, but Providence? God that conferr'd it upon *Charles* the Firſt, might have given it to *Cromwell*, or to any other Man in the World; and therefore when it is aſſerted that God never gives a Kingdom without a lawful Right to it, this is very well conſiſtent with that Aſſertion of the Prophet, though it be underſtood of God's Authoritative Gift, and in the utmoſt comprehenſion of the Words; for though God's Authority be annexed to Right, yet he *gives* that Right *to whomſoever he will*.

But farther, he inſtances in the giving of an Eſtate, and that inſtance will lead us to a Reſolution of his Queſtions. God giveth Eſtates to whomſoever he will; this Propoſition is contain'd in Scripture, and is undeniably true: it is nevertheleſs certain that no one can have a Divine Right to an Eſtate, when the legal Right is another's; and then though God's Providence gives Poſſeſſion of an Eſtate, that Gift is no conveyance of Right or Authority to keep it. But then the Doctor briskly demands, *does whomſoever ſignify thoſe only who have a legal Right to an Eſtate? does giving ſuppoſe an antecedent Right? does giving an Eſtate to whomſoever he will, ſignifie giving it only to thoſe to whom the Law gives it.* The Anſwer is obvious, God gives Eſtates by his permiſſive, and by his poſitive Will; by the latter to thoſe only who have a legal Right, by the former to every one that gets Poſſeſſion; in reſpect to this Gift *whomſoever* may be taken univerſally, but muſt be limited to a lawful Right in reſpect to the other.

Thus in the diſpoſal of Kingdoms, every one who has Poſſeſſion, has a permiſſive Gift, but not a poſitive or authoritative Gift, which always attends upon Right; in relation to the former, God does give Kingdoms abſolutely to *whomſoever he will*, without regard to Right; in relation to the latter, God does give Kingdoms to *whomſoever* he gives Right to poſſeſs them. In ſhort, he *gives* them to *whomſoever he will*, but God's *Will* is either poſitive or permiſſive; and it is impoſſible to diſtinguiſh by which of them he gives any Poſſeſſion, but by conſidering the Right to poſſeſs them. When an Eſtate is entail'd, the Poſſeſſor cannot give it to whomſoever he will, for he has no Right to alienate it from the Heir, neither does Providence properly give it to thoſe who have no Right to it: But nevertheleſs God can *give* Eſtates to *whomſoever he will*, by permitting Power, or conveying a legal Right to poſſeſs it: God can do both, when it is not in the Power of a Man to do either; and therefore there is a great Diſparity in this Caſe, between God's giving and Man's giving.

And now what Abſurdity is there in ſaying *that God giveth a Kingdom to whomſoever he will* permit the Poſſeſſion of it, and conveys his Authority on *whomſoever he will* confer a Right to poſſeſs it? does the Abſurdity lie in diſtinguiſhing between his permiſſive and authoritative Will? that is a Diſtinction generally receiv'd, and hitherto I ſee no Reaſon why it is not applicable to the diſpoſal of Kingdoms. Is it abſurd to ſay that God gives a thing when he only ſuffers the taking it? that is the Language of Scripture, thus ſaith God himſelf unto *David*, *I will give thy Wives unto thy Neighbour, and he ſhall lie with them; I will do this thing before all* Iſrael, *and before the Sun.* But ſurely no Right was hereby given unto *Abſalom* to his Father's Wives. The Actions of *ſeducing*, *deceiving*, and *moving* unto Wickedneſs, of *blinding* and *hardening* Men in it, are expreſly attributed to God in Scripture, and if ſuch Expreſſions may be reaſonably expounded only of God's Permiſſion, or his being the accidental cauſe of ſuch Effects; there can be certainly no Abſurdity in expounding God's giving a Kingdom without Right, by granting Power to Uſurpers, and permitting them to abuſe it. Laſtly, Does the Abſurdity lie in reſtraining *whomſoever he will* unto rightful Princes, when we ſpeak of God's giving Authority? But if God gives a legal Right *to whomſoever he will*, then there is no Reſtriction, becauſe none are excepted. God gives Riches *to whomſoever he will*, but he always gives a legal Right when he gives Authority to

keep them; and in fine, it is no Absurdity to restrain the general Expressions of Scripture when the matter does require it. *Thou hast wrought all our Works in us*, saith the Prophet; if we understand this of God's positive Operations, wicked Works must be excepted: *He hardneth whom (or whomsoever) he will*, saith the Apostle; and I think the Doctor will not think it absurd to restrain the Words, to those who make themselves obnoxious to the Divine Vengeance, by their obstinate Incredulity: and if this Expression may be restrain'd in one place, so it may in another, if there be equal Reason for it. In short, it is no Absurdity to restrain such general Words, when it is absurd to understand them without Restriction.

Case of Allegiance, p. 20. But the Doctor argues, that these Passages relate *to the Four Monarchies, which were all as manifest Usurpations as ever were in the World, and yet set up by the Decree and Counsel of God, and foretold by a Prophetick Spirit.* Here he affirms that the most manifest Usurpers that ever were in the World, were set up by God; consequently they had God's Authority to govern, and therefore a Right to Allegiance; otherwise Usurpers are never the better for being set up by God, and those Passages are produc'd superfluously to prove it. But if the most manifest Usurpers in the World are God's Ordinance, what shall become of his distinction between Usurpers setled and unsetled, such as *Cromwel* was, and such as those that are enthron'd by a full Convention, such as have and such as have not the consent of the People: If all Usurpers have God's Authority, these distinctions are perfect Banter; but if all have it not, certainly the most manifest Usurpers that ever were in the World were without it: But let this pass for an *Hyperbole*. I answer,

1. It appears not, that those Monarchies were Usurpations: I grant they were such *in fieri*, those, I mean, who set them up, were Usurpers in doing it, and for some time, it may be, after their Advancement; but they soon became rightful Sovereigns, by the extinction of the former Right; and if at first they were Usurpers, and afterwards rightful Sovereigns, How knows the Doctor that those Passages in the Prophet, relate to the four Monarchies, as Usurpations, and not as rightful Governments? He affirms, that *the Prophet tells us with respect to the very Revolutions, which were nothing else but Force and Usurpation, that God changeth Times, and removeth and setteth up Kings.* Then it follows, that even the unjust and violent Changes of Governments are acted and authoriz'd by God; for if in respect to them it is said, that God changeth Times and sets up Kings, and setting up is the act of God, and conveyance of Authority, then it is certain that God does act and authorize Changes; then those very Usurpers, whose Government is founded only upon *Force*, without the consent of the People, have God's Authority; and then rebellious Subjects, and ambitious Princes, who overturn a lawful Government by *Force*, have God's Authority for it; for in respect to that Force and Violence he affirms, that Governments are destroy'd and set up by God. Thus in the transport of his Anger, the Doctor forgets his own Principles, and the Convocation's. Vind. p. 51.

2. Suppose those Passages do relate to Usurpers, and to the very Force and Violence by which Empires are overturn'd; How does it appear that God's setting up Kings, and giving of Kingdoms must be expounded of God's positive, and not of his permissive Will, of his giving of Authority, and not of his concession of Power, whereby Rebels and Usurping Princes are enabled to accomplish their wicked Enterprizes: If those Passages relate to the very *Revolutions* of Governments, and the wicked *Force* and *Violence* by which Usurpers are advanc'd, then certainly they must be understood of God's permissive Providence, unless we will make God the Author and Abetter of the highest Wickedness and Injustice. The Doctor will not affirm that those Passages do prove that Usurpers are set up by God, when they are making their way to the Throne, nor when they actually place themselves in it; for till they are

are ſettled in it by conſent, he himſelf does allow that they have not God's Authority; and yet they will prove this, if they prove any thing for Uſurpers; for they limit not God's ſetting up, to Conſent and Settlement, they make no difference between Kings *in fieri*, and *in facto eſſe*, between their aſcending to the Throne, their ſitting and their ſettlement in it; they intimate that all the Gradations and Steps of ſuch Revolutions are alike from God, that he bringeth about the whole Change, and that the Invaſions and Rebellions by which Kings are removed, are as much from him as the Advancement of a new King to the Throne, and his Eſtabliſhment in it: And therefore if they prove that Uſurpers have God's Authority, they prove it for Rebels and Invaders alſo.

But perhaps the four Monarchies which we ſuppoſe to be Uſurpations were ſet up by God's Authority, becauſe *they were ſet up by the Decree and Counſel of God, and foretold by a prophetick Spirit.* I have obſerv'd before, that ſome of God's Decrees are permiſſive, and ſuch are his Decrees about wicked Events, among which I reckon unjuſt Violence and Uſurpations: But they were *foretold by a prophetick Spirit*; And what then? Have Uſurpers therefore God's Authority, becauſe God, who is omniſcient, and ſees future things as preſent, does behold them committing Wickedneſs, and foretels it by a Prophet; or is God's Preſcience a Conveyance of his Authority?

Among other Changes and Revolutions foretold by *Daniel*, in the Judgment of very learned Men, the ſetting up of *Antichriſt* is predicted, and that under the name of a King, *Dan.* 11. 36, 37, 38, 39. and I ſee no Reaſon why the ſetting up of this King may not as well be aſcribed to God's Decree and Counſel, as any other King in *Daniel*. However it is ſaid expreſly of the Beaſt in the 13th of *Revelations*, which is ſuppoſed to be the Antichriſt, *that Power was given him over all Kindreds, Tongues, and Nations*: Here we have his Commiſſion for an univerſal Empire. *And Power was given him to continue forty two Months*: Here is a Settlement for a long Track of Time. *And all that dwell upon the Earth ſhall worſhip him*: Here is the Conſent and Submiſſion of the People to eſtabliſh him; and if this King has not God's Authority upon the Doctour's Principles, and by virtue of as expreſs words of Scripture, as any he produces for Uſurpers, I wonder who can have it? Let us know whether this Power of *Antichriſt* was not given him of God, and whether he could have it without his Will and Appointment? A Power over all Nations muſt certainly be given him by God; and yet I think this giving of Power is no Conveyance of Authority upon this Uſurper, nor does it inferr any Obligation to Obedience: and this Inſtance overthrows all his Arguments from God's giving Power and Kingdoms, for here is a Power and Kingdom which is given by God, to which we cannot be Subjects without Apoſtacy from him.

The Doctor obſerves, That *under the fourth Monarchy the Kingdom of Chriſt was to be ſet up, and Antichriſt was to appear, and the Increaſe and Deſtruction of the Kingdom of Antichriſt is to be accompliſhed by great Changes and Revolutions in humane Governments.* Hence he infers, That ſince *God has declared, that he will change Times and Seaſons, remove Kings, and ſet up Kings, to accompliſh his own wiſe Counſels, it juſtifies our Compliances with ſuch Revolutions*; he ſhould have added, *for otherwiſe Antichriſt could neither be advanced nor deſtroyed.* Thus it was once argued for Reſiſtence, *That God's hiding the lawfulneſs of it from the primitive Chriſtians was neceſſary to help Antichriſt to his Throne:* and now Compliance with Uſurpers is urged to be lawfull, as neceſſary to ſet up and pull down *Antichriſt*, that ſo God's Counſels may be accompliſhed; and may it not as reaſonably be inferred, that ſince God has declared he will make Revolutions, remove and ſet up Kings, that therefore Rebellions and unjuſt Invaſions are lawfull, becauſe they are the ordinary Ways of effecting Revolutions? No, ſays he, *we muſt not, contrary to our Duty* pre-

Caſe of Al. p. 22.

J. Goodwin in his Anticavalierism.

promote such Revolutions upon a pretence of fulfilling Prophecies, but when they are made and settled, we ought to submit to them: What! Can it be contrary to our Duty to promote Revolutions which God decrees, promotes, and effects? Is it lawfull for no one to promote them? And how then shall they be accomplished? But why is it lawful to submit to them when they are made and settled? Why, because God has decreed them, that must be a Reason for it, or his Decrees and Counsels are here impertinently urged. But we are sure that God has decreed the Kingdom of *Antichrist*, and when his Kingdom is settled, must *all Kindreds, Tongues, and Nations,* pay Subjection to him? If God's Decree be a Reason for Submission, we have no more to doe, but to fall down and worship, when we see his Decree accomplished in the Advancement of *Antichrist*. And if this be not *Enthusiasm*, there is no such thing in the World.

How vain is it to distinguish between promoting and submitting in respect to the fulfilling of Decrees and Prophecies? Does not he that submits promote? And what Ground is there for that Distinction in Scripture? It was God's Decree that *Cromwell* should have the Administration of Sovereign Power, and he might have foretold it by Prophecy; but it was impossible it should have been accomplished without a general Submission: Was that therefore a general Duty, and was the Nation bound to it, to fulfil Decrees and Councils? What have we to do with God's unsearchable Decrees? Our Rule is Law, the Laws of God and Nature for religious and moral Actions, the Laws of Kingdoms and Commonweals for those that relate to Civil Society. As for God's Decrees, they are unknown to us, till they are fulfilled, and when they are, we can never know whether they are positive or permissive, whether they require our Submission or Resistence, but by the nature of the Events. Usurpations are decreed by God, and so are Robberies, so is *Antichrist*; and if there be no difference between these Decrees, as there may be none, and there can be none gathered out of *Daniel*, or out of any other part of Scripture, it follows necessarily, that God's Decreeing of Usurpers infers not any Obligation of Subjection to them. Thus I have done with his Argument from Dreams, Decrees, and Prophecies; and I hope it appears, that the Doctour's Commentary upon *Daniel* does by no means make good his Commentary upon the *Apostle*.

8. He argues farther, That *this Distinction, that only legal not usurped Powers are of God, had made the Apostle's Direction signifie nothing; for the great Question had still been undetermined, what Powers are of God, and what they must obey, if some Powers be of God, and some not.* The Apostle directed the *Roman* Christians to be subject to the *Roman* Powers then in being; and if there was any Dispute whether they were lawfull Powers or Usurpers, he plainly determines it, by declaring they were God's Ordinance, and that Subjection was therefore due to them; he tells them the Powers then in being were ordained by God, and that was enough to silence all Disputes about them. The Doctour confesses, That *had the Apostle confin'd himself to the then present Powers, it would have directed them at that time*; *but*, says he, *it would have been no general Direction to Christians in other Ages to obey the present Powers*; it would have been very convenient for some Men, if the Apostle had given such a Direction; but what if he hath not? Why, *then we have no Direction in Scripture, what to do in such disputed Cases unless by a Parity of Reason.* Well, suppose that we have not; the Direction is sufficient, if we will be content with what may be reasonably expected: St. *Paul* required the Christians to pay Subjection to the *Roman Emperours* who were lawfull Powers; and the Reason upon which he enjoins it, extends the Obligation to Subjects in all Ages and Nations who are under the government of such lawful Powers. But the Apostle has not directed us to distinguish what Powers are lawful; neither have we any Directions to find out

Case of Al. p. 21.

true

true Parents, lawful Husbands, Masters, and Pastors; and yet, I think, the Scripture is not to be charged with Imperfection. The Scripture prescribes the Duties of these several Relations, but gives no Rules to distinguish the Relatives, the True and Lawful from the False and Counterfeit, that depends upon the infinite variety of Fact, of Customs, and of Laws, and therefore cannot be comprehended in general Rules; so does the Distinction between lawful Powers and unlawful, it depends upon the various Constitutions of Civil Polities, and often upon Matters of Fact; and therefore that Distinction could not be bounded and defined within Rules, nor consequently be determined in Scripture. In short, it may be inferred, by parity of Reason from the Apostle, that the supreme Powers in every civil Government are God's Ordinance and irresistible; But which are the supreme Powers he hath left to be determined by the Laws of every Government? The Doctor himself hath told the World, That *whatever Power in any Nation, according to the Fundamental Laws of its Government, cannot and ought not to be resisted; that is, the supreme Power of that Nation, the higher Powers to which the Apostle requires us to be subject*; And is there any Nation in the World, which hath made an Usurper irresistible by a Fundamental Law? The Doctor may recant this, but he will pardon me if I am still of his Opinion.

Case of Resist. p. 111.

Case of Al. p. 21.

But the Doctor is *sure the only Direction in Scripture, is to submit to those who are in the actual Administration of Government.* And I am sure there is no such Direction there; and which is more, the Doctor himself is sure of it, for he is sure that Usurpers who have the *actual Administration of Government*, without the consent of the People, have no Title to Subjection. He seems to lay stress upon those Words of the Apostle, *As God's Ministers attending continually upon this very Thing*; the Emperors were then actually Administring the Government, and that was their Business, as *God's Ministers*: But does the Apostle say, that Sovereign Powers are not God's Ministers, when they are hindred from their Business, though they are still attending upon it, and endeavour to remove the Impediment? Do they cease to be God's Ministers, because their Subjects are Rebels? Obedience is required to Spiritual Rulers, because they watch over Souls, *Heb.* 13. 11. Are the People then discharged from their Duty, if they will not suffer their Pastors to watch over them, but separate from them? And are the Pastors no longer God's Ministers, because they can't exercise their Functions?

But there is not the least notice given us of any kind of Duty, to a Prince removed from the Administration of Government, whatever his Right may be. Neither, say I, is there any the least notice of paying any Duty to Usurpers; no more is there of paying Obedience to a Father, or a Master, remov'd from the Government of their Families, or to a Bishop removed from his Church by Persecution; there is no more than this, that the Scripture requires Obedience to them, and neither Scripture nor Reason does teach us that when they are violently removed from the actual Administration of their respective Governments, the Relation ceases and the Duty with it. And thus much may be said for Sovereign Princes; Subjection is required to them, but neither Scripture nor Reason do inform us, that the Relation is extinguished when they are violently deposed: On the contrary, we are expressly required to give Princes their dues, and what those are we must learn from the Laws of Nature and Nations, for the Scripture has not taught us. Ibid.

But *we have no Example in Scripture, that any People were ever blamed for submitting to Usurpers.* In the 2d. of *Samuel* we have the People of the Jews submitting to *Absalom*; in the 13th. of *Revel.* the People of all Nations to *Anti-christ*, but in neither do we find that they are blamed for it. But I wonder when he was heaping up these negative Arguments, that he did not remember, that if they are good for any thing, they overthrow his own Hypothesis; he maintains that Ibid.

Allegiance

Allegiance is not due to all Uſurpers (though all his Arguments from Providence and Scripture do prove it) but only to thoſe that are ſetled by a general conſent; and yet there is no Rule, no Example, not an Iota for this Diſtinction in Scripture. But this was not convenient to be remember'd, for then he had loſt theſe pretty Arguments.

Ibid. But in Scripture we have Examples of Subjects *being condemn'd for refuſing to ſubmit to Uſurpers.* This indeed is to the purpoſe: But where are theſe Examples to be found? *in the Prophecies of* Jeremiah, *and the Diſcourſes of our Saviour with the* Scribes *and* Phariſees, *about paying Tribute to* Cæſar. Let us now examine theſe Examples.

Our Saviour's Argument relies wholly on the Poſſeſſion of Power, whoſe Image and Superſcription hath it? and if this be a good Reaſon, it is good in all other Caſes, that we muſt ſubmit to all Princes who are poſſeſs'd of Sovereign Power. I refer the Reader to our Saviour's Diſcourſe, and let him ſatisfie himſelf, whether this Propoſition is in it, *That Allegiance is due to all Princes in Poſſeſſion of Sovereignty*, or this other, which is contradictory to it, *That it is due only to thoſe Poſſeſſors that are ſetled by the conſent of the People*; that I think cannot be inferr'd from the *Image and Superſcription*, for Uſurpers may coin Money before they are ſetled; neither is it any Proof that a Prince is in Poſſeſſion, becauſe his Coin is current; if it is, Allegiance is due to King *JAMES*, or at leaſt all the Money that has his Image and Superinſcription. Is the Doctor ſure that the Coin preſented to our Saviour had the Image of *Tiberius*? Others ſay it had the Image of *Auguſtus*, and then our Saviour's Argument could not relye upon Poſſeſſion, for the Coin of a Prince deceas'd could ſuggeſt no Argument that Allegiance was due to the Poſſeſſor.

Dr. *Hammond* I take to be the better Expoſitor; thus he upon thoſe Words: *Whoſe is this Image and Superſcription? The Inſcription on the Coin of* Cæſar Auguſtus, *ſome Year after the taking of* Judæa; *this being a Record of the Conqueſt of the* Romans *over this Nation, and the Right by them acquir'd, by the dedition of* Hyrcanus, *and an expreſſion of the Years ſince that taking, about* 90 *Years, (for ſo long ago did* Pompey *ſubdue and take* Jeruſalem,) *ſhew that now it is unlawful to ſeek change, after ſo long continuance of that Power, ſo fairly and legally ſetled.* So the excellent Dr. *Hammond*; and in his Annotations he evinces hiſtorically, the Legality of the *Roman* Government over *Judæa*. Dr. *Sherlock* on the contrary, ſuppoſes that *Cæſar* was an Uſurper, and that our Saviour reprov'd the *Phariſees* for not ſubmitting to an Uſurper; but he was pleas'd only to ſuppoſe it; and I preſume to affirm, that it is impoſſible to prove it: For an Uſurper muſt have ſome Competitor who claims a right to the Sovereignty, and let him name us that Perſon, if he can, that was *Cæſar's* Competitor; if he cannot, he may ſuppoſe, but he can never prove him an Uſurper.

His other Inſtance is out of the Prophet *Jeremiah*; and here he acknowledges that his Argument for Submiſſion *is Prophecy, or an expreſs Command from God to ſubmit to the King of* Babylon: And was *Nebuchadnezzar* then an Uſurper, if Allegiance was requir'd to him by God's reveal'd Will? Was he not King over the *Jews* by particular Nomination? Did not the Sin of the *Jews* conſiſt in their Diſobedience to God's expreſs Command? And how can he prove that the Prophet would have condemn'd them, if they had refuſed to ſubmit without expreſs Revelation, or that he himſelf would have adviſed them to ſubmit without it.

Before the firſt Conqueſt of *Judæa* under *Jehoiakim*, the *Jews* could be under no Obligation to ſubmit to *Nebuchadnezzar*; but when their Kings had made a voluntary dedition to him, and confirm'd it by an Oath, then their Obedience was due to him as their lawful Sovereign: Their Revolt is afterwards ſtiled Rebellion, and the Violation of that Oath was puniſhed with final Captivity and Deſtruction, *Ezek.* 17. The Doctor pretends there was a neceſſity of an expreſs Command to ſubmit, becauſe they could not without it ſubject themſelves to any other Prince, while any of

David's

David's Family were living, because *God himself had entail'd the Kingdom upon his Posterity.* But this is a groundless Fancy, and contradicted by himself; for in his Vindication he maintains, *That whether there be a Divine Entail or no, it is always lawful to submit to Force*, and then sure there was no need of a Revelation. But where is that Reason to be found in Scripture? Does the Prophet *Jeremy* mention it? Had the Jews any Scruple then about a Divine Entail? The Prophet declares from God, that if *Zedekiah* would submit to the King of *Babylon*, he should live in Safety, *chap.* 38. and after his Captivity, and the Destruction of *Jerusalem*, he assures the remaining *Jews*, that if they would still abide in the Land, God would deliver them from the King of *Babylon*, *chap.* 42. The only Motive which he urges to the King and People is an assurance of Safety by Submission: But it appears from the Prophet *Ezekiel*, that they were bound to it by Oath and Covenant, and they are therefore branded by both the Prophets with Rebellion, because they revolted from their lawful Sovereign.

But the Doctor argues hence, Ib. p. 22. *That where the Entail of the Crown is only by Humane Laws, there is no need of Prophecy to direct the People to submit to any new Prince whom God sets over them.* Well, suppose there was need of Prophecy in case of a Divine Entail; how does it follow there is no need of Prophecy when an Entail is by Human Laws; perhaps it may follow from something else, but I am not subtile enough to discern how it follows from his Premises: It will follow as well, that because a King by a Divine Entail cannot be depos'd without Prophecy, there is no need of Prophecy to depose a King of Human Entail; or because *Abraham* could not lawfully Sacrifice his Son without an express Command, therefore other Parents may murther a Son without it. When God sets up a Prince by his positive Will, there is no need of a Prophet to prescribe Submission, but there is need of a new Revelation to inform us, when it is his Will to convey Authority to an Usurper, for the Event is no Indication of it.

But since the Prophet's Motive for Submission to the *Jews* was Safety, may we not for the same Reason submit to any King in Possession? I answer the Case may be different; for, 1. The Jews were bound to submit to the King of *Babylon*; for they were his rightful Subjects by Dedition, and by God's express Appointment; and though Safety is a good Argument to enforce Duty, it is none against it. 2. The case of absolute Conquest, when the Lawful Prince is a Captive, the Government dissolv'd, and no possibility of restoring it, is manifestly different from the case of a People deposing their lawful Prince, advancing an Usurper, supporting him by their Power, opposing their Rightful Sovereign, and still in a capacity of restoring him; their Safety in this case is no Argument for persisting in Rebellion; and if they are under any Necessity, it is of their own making and continuing. 3. Submission is not Allegiance, and though the former is lawful, when it is to no purpose to resist, yet it is no more lawful to assist an Usurper to the destruction of a Rightful Prince, meerly for my own Safety, than it is to assist a High-way-Man to save my own Purse, or to compound for my own Life, by assisting an Assassine to destroy my Neighbour's.

Thus I have consider'd all the Doctor's Arguments from Scripture, but there is one Text more to be consider'd, which the Doctor propounds as an Objection against his Principle; the place is *Hosea* 8. 4. where God himself does thus complain of the *Israelites*, *They have set up Kings but not by me, they have made Princes and I knew it not.* Here we are assur'd, that all Kings have not been set up by God, and this is as plainly and expressly declar'd as Words can do it, and how then is this reconcileable with the Apostle's universal Proposition, *there is no Power but of God?* I have intimated that this Proposition is restrained by the following Words unto the Powers then in being, which were lawful Powers: And thus the Texts are easily reconcil'd, and there is no Contradiction between

them, if we understand the latter of lawful Powers, the former of Usurpers; or if we distinguish between Kings set up by God's Ordinance and Authority, and Kings set up by his Permission, and the general Concourse of his Providence. But what saith the Doctour?

Case of Alleg. p. 35.

1. Those Words in *Hosea* are *not true of all the Kings of* Israel, *after their Separation from the Tribe of* Judah; *for* Jeroboam *and* Jehu *were set up by God's own Appointment.* This is contrary to the general Sense of Expositors, who apply this Speech to *Jeroboam* especially: But did not God declare by the Prophet *Ahiah*, that he would give him the Kingdom over *Israel*? It is answered, though *Jeroboam* had a Prediction of his Advancement, yet he did not tarry for God's farther direction about it, as *David* did; he possessed himself of the Kingdom, not by God's Appointment, but by the Gift of the People, who had no Command nor Direction from God to depose *Rehoboam*; and whereas another Prophet declared, that *the Thing was from God*, this may denote, that God permitted and ordered the Rebellion and Usurpation for the punishment of *Solomon* and his Son, and such a permitting and over-ruling Providence could be no Conveyance of Authority, for thus the Cursing of *Shimei*, and the Usurpation of *Absalom*, were also from God.

Calvin, Rivet. Mercer. Piscator. Tarnovius, cited by Dr. *Pocock*: To which add *Zanchius, Junius, Pareus, Diodate, Geneva* Interpr. Annotations of Divines.

2. *One of these Kings was* Baasha, *who made himself King without God's express Nomination; and yet God tells him, I exalted thee out of the Dust, and made thee Prince over my People* Israel. This might have been said of *Cromwell*, who yet had no Title to God's Authority; and it may be understood of the general Concurrence of God's Providence, and the concession of Power to usurp the Throne. But as for these Kings, if God did actually deprive the Family of *David* of their Right to the Kingdom of *Israel*, then they were lawfull Kings, because Possession was a Right when there was no other; if he did not, (which seems very doubtful,) they were certainly Usurpers upon a Divine Right; and therefore though they were exalted by God's Providence, yet they could not be invested with his Authority.

3. *The true Answer is this:* Israel *was a Theocracy, and therefore they ought to have received their Kings from God's Nomination; but instead of that, they submitted to any who could set up themselves over them; and this,* he says, *was a great Crime, it being in effect a renouncing their Prerogative of having Kings set up by God's Nomination, and putting themselves into the common condition of the World, where Kings are set up onely by his Providence.* This contains the force of his Answer, and at most 'tis only conjecture, and such as has little shew of Probability. No doubt it was a Crime not to consult God, when they might have consulted him; but upon the Doctour's Principle it could be no fault to *submit to any who could set themselves over them*; for he says himself concerning those Princes, that they were *set up by God*, and surely it could be no fault to submit to his Ordinance. He affirms expresly, *That in* Judah *and* Israel *God did sometimes set up Kings onely by his Providence, and those providential Kings had all the Rights of other Sovereign Princes of* Judah *or* Israel; consequently they had a Right to Submission, and therefore it was no fault to pay it; and if it was a fault to submit to those Kings of Providence, then certainly they were not invested with God's Authority; and then the meaning of the Words in debate is this; *they have set up Kings* by the Concurrence of my Providence, *but not by me*, but without the conveyance of my Authority. As for the Prerogative of receiving Kings by expres Nomination, I understand not upon the Doctor's Principles, how that could be any Prerogative; I am sure it could be no advantage; for if Kings of Providence have divine Authority as much as Kings by Nomination, where is the difference? Cannot

not good Kings be made by Providence, as well as by a Prophet? Is not the one God's Act and will as much as the other? There can be no Priviledge or Advantage in a ſingular way of making Kings, if all are made by God and enjoy his Authority; and therefore in the nature of the thing it ſelf, it could be no Crime to forego it. I hope it appears now, that his Scripture-Proofs are as ill grounded as his Propoſitions; I might well ſpare the Labour of examining his other Reaſons, but if they be not anſwered, they may be thought unanſwerable, and therefore I will briefly conſider them.

2. The Doctor obſerves,

Caſe of Al. p. 23. *That his Hypotheſis gives the eaſieſt and intelligible Accounts of the Original of humane Governments; that all Power is from God, who is the Sovereign Lord of the World.* Having obſerved this, he recites the various Opinions about the Origine of Monarchy, and confutes them ſeverally, and concludes at laſt, That

Page 24. *he cannot ſee where to fix the Foundation of Government, but in the Providence of God, who by the choice of the major or ſtronger part of the People, or by Conqueſt, or Submiſſion, or the long ſucceſſive Continuance of Power, or by humane Laws, gives a Prince and his Family Poſſeſſion of the Throne, which is a good Title againſt all humane Claims, and requires the Obedience of Subjects, as long as God is pleaſed to continue Him and his Family in the Throne; but it is no Title againſt God, if he pleaſe to advance another Prince.* To ſet this Matter in a clear Light, I obſerve,

1. That our Diſpute with the Doctor is not about the Origine, or firſt Beginning of Government, whether it began in Paternal Authority, or by Original Contracts; but about the Reſolution of Government and Obedience, whether they muſt be reſolved into Right or Poſſeſſion.

2. The Diſpute is not whether the Power of Government is derived from God, or whether it is founded upon his Providence. We acknowledge that the Authority of Government is derived only from God, and from him no otherwiſe but by a Providential Conveyance of his Authority upon particular Perſons; and thus far we are agreed: But then the Queſtion is, Whether God's Providence does inveſt a Prince with his Authority by the conveyance of Right, or by the conveyance of Poſſeſſion without it? In ſhort, whether every Prince in Poſſeſſion is inveſted with God's Authority: We affirm that Government is founded in God's Authority, but we deny that God conveys it upon every Prince in Poſſeſſion.

3. When we ſay God's Authority is annexed to Right, we do not confine this to a Right by political Laws of particular Governments; the *adæquate* Rule of Right is Law, and whatſoever is Law may create a Right, and conſequently Right may reſult not only from political Laws of this or that Government, but alſo from the Laws of God, of Nature, and Nations; the Will of God revealed is a Law to us, and therefore when God nominates a King by expreſs Revelation, he has a Right to the Poſſeſſion of Sovereignty and the Obedience of Subjects: In a ſtate of Nature, as they call it, wherein Men are under no Government nor Obligation of Subjection, they may chooſe a Sovereign, and when they have choſen him, he has a Right to Sovereignty by the Law of Nature: By the Law of Nations it is generally ſaid, how truly I diſpute not, that Conqueſt in a juſt War does create a lawful Right. And laſtly, when political Societies are Conſtituted, and a Rule of Succeſſion Eſtabliſhed, either at the firſt, by an Original Agreement, or afterwards by Preſcription or poſitive Laws; that Law of Succeſſion does create a Right to the Sovereignty, which is confirmed by the Laws of God, and Nature, and Nations; but if this Law be violated, and an Uſurpation is made againſt it, the Uſurpers may acquire a Right by Preſcription, which implies an undiſturbed Poſſeſſion, and a Derelict on of the former Right; and this new Right (which commences from the extinction

of

of the former) is such by the Law of Nature, which is Equity, and of Nations, which is the Consent of civilized Societies.

Lastly, Where there is no Rule of Succession, or no Right in any Person to the Sovereignty, as when a Royal Family is extinguished, in such Cases *The Possession of Sovereign Power is Title enough, when there is no better Title to oppose it; for then we may presume that God gives him the irresistible Authority of a King, to whom he gives an irresistible Power.* When there is no other Right, Possession is a Right by the Law of Nature and Nations; but Possession of another's Right has been always pronounced invalid, by the voice of Equity and the suffrage of all Nations. These Two last Rights may perhaps be reduced to the Second, the Consent of a free People; for they suppose them to be discharged from all former Obligations; and Possession of Sovereignty supposes Submission of the People, and that is nothing else but a Consent to be governed, which in a free People, I have observed, does create a Right to Sovereignty by the Law of Nature. And now let us consider what the Doctor does object against these Titles to Sovereignty.

Dr. *Sherlock's* Case of Rel. p. 129.

Against the Choice and Consent of the People he objects, That *then no Man is a Subject, but he who Consents to be so, for the major Vote*, says he, *cannot include my Consent unless I please; that is, the effect of Law and Compact, or Force, not of Nature.* I answer, when a free People choose a Sovereign, if they consent to choose, it is presum'd (unless it be otherwise provided) that they consent the major Vote shall determine the Choice; this presumption is grounded upon manifest Equity: But if any one refuses to be determin'd by a Majority, he refuses to enter into the Society, and may remove out of it; but if he will live within the Government of the new Sovereign, he accepts him for his Sovereign, and is bound to Obedience. He urges farther, *That if Subjects give their Prince Authority, they may take it away again if they please.* Bp. *Sanderson* propounds this very Inference, and his Answer is this, *Contra stat ratio, & omnia jura, omnia fora reclamant, scilicet legitima pacta non esse rescindenda.* It is the Voice of Reason and of all Laws, and of all places of Commerce, that lawful Compacts are not to be rescinded at pleasure.

Sand. *de Oblig. Conse. Prael. 7. sect. 21.*

But another Answer is also given. The Subjects are only instrumental Agents, God is the principal Agent in the making of a King, the People design the Person, and God conveys the Authority. It is God that makes Kings, the People are his Instruments, but he has given them no Power to depose them. The Doctor himself affirms, That *the Consent of the People are the means by which Princes gain a Right to their Thrones*; and I affirm no more; the People may be a means of conveying Right, though it be God alone that confers the Authority, and if God alone does make Kings, he alone can depose them. But farther, *Upon this Principle there can be no Hereditary Monarchy, one Generation can choose only for themselves, their Posterity having as much Right to choose as they had.* True; if there could be no Right to Sovereignty without the constant Election of the Subjects; but that is no Principle of mine, and I am not bound to answer for it; but this I will answer for, that a Law made a Thousand Years ago may be Obligatory now, and that it may create a Right to a Person now living, and that it may be a Sin to deprive him of it, tho' it be done by the help of Providence.

Vind. p. 16.

His Objection against the Right of Conquest, supposes it to be effected by *unjust and violent Force*, and I easily acknowledge that unjust Conquest gives no Right.

Submission, he says, *is only a forced and after Consent not to make a King, but to own him who has made himself King; and what Right can that give more than Force?* He shall Answer this himself,

The Consent and Submission of the People turn that, which

Ibid.

was

was Originally no more but Force into a civil and legal Authority, by giving themſelves up to the Government of the Prince; by this means Princes gain a Right to thoſe Thrones, to which they had no antecedent Right; this is certainly true where the People are under no antecedent Obligation.

The continuance of an Uſurpation can never give a Right, unleſs that which is Wrong grow Right by Continuance: That Maxim of the Law, to which he refers, has this Exception, *Unleſs a new Cauſe intervene, which of it ſelf can create a Right*. Now that which makes way for a new Right, is the Extinction of the former Right: The continuance of an Uſurpation of it ſelf may never give a Right, but if the Uſurpers enjoy quiet Poſſeſſion of a 100 Years together, it is a preſumption in Law and Equity, that the former Right is relinquiſhed. But it is alſo affirmed by Lawyers, *That quiet and immemorial Poſſeſſion is a Right by the poſitive Law of Nations*; and if that be true, then a wrongful Poſſeſſion may become rightful by Continuance. But though the former Right be extinguiſhed, *Though no body elſe has any Right to the Crown, How does this make him a rightful King who has no Right?* I anſwer in his own Words, *Poſſeſſion is Title enough, when there is no better Title to oppoſe it*; it is a Right by the Law of Nations, and it may be founded alſo on the Conſent of the People, for they are free to Conſent, when the former Right is relinquiſhed, and they actually conſent by ſubmitting to his Government.

Gr. *de Ju. bel.* l. 2. c. 4. *ſ.* 11.

Ibid. ſ. 6, 7.

Ibid. ſ. 9.

Caſe of Reſ. p. 129.

This Right of Preſcription the Doctor will not *underſtand*: He demands, *will an uninterrupted Poſſeſſion of an hundred Years make the Uſurper a Rightful King, without the Death or Ceſſion of the whole Royal Family?* I anſwer a Ceſſion is preſum'd by the Conſent of Nations, and by Equity it ſelf; becauſe it is reaſonable to believe that he has relinquiſh'd his Right, who ſuffers another to enjoy it without interruption; and *becauſe it is the Intereſt of Societies, that the Controverſies about Dominion ſhould at length be ended*. *How then*, ſays the Doctor, *does the Royal Family come to loſe their Right by an uſurp'd Poſſeſſion? And if an Uſurpation will deſtroy their Right, why not a ſhort one as well as a long one?* Their Right is loſt by Ceſſion, not by Uſurpation; and the Ceſſion is not preſum'd by the Law of Nations when the Uſurpation is of ſhort continuance; ſhort poſſeſſion of an Eſtate is no right in any civiliz'd Society, but a long Poſſeſſion is a right almoſt all the World over: So it is in Kingdoms; and this conſent of Nations will juſtify this Diſtinction, though the Doctor will not *underſtand it*. He demands farther, *How the People ſhall be juſtified in conſenting that the Uſurper ſhould reign while their rightful King is living?* If they cannot hinder him from reigning, they need not juſtifying; if they can and will not, and therefore cannot be juſtified, who can help it? And what is that to the matter of Preſcription? *But how long muſt the Uſurper reign before the People conſent to it?* Till they can reaſonably be perſuaded that the former Right is extinguiſh'd. Laſtly, he asks again, *Whether an hundred Years Poſſeſſion be a good right againſt a better claim, or how that better claim comes to expire after an hundred Years Uſurpation?* And I anſwer again, that Preſcription ſuppoſes the former Right to be extinguiſh'd, which is ſo far from being a better, that it ceaſes to be any Right; the extinction of it may be grounded upon Equity, or the poſitive Law of Nations; as to the time of its expiring, an hundred Years is not always neceſſary; if the Ceſſion can be prov'd, that will ſuffice without reſpect to time, but without other Proof, by the conſent of Nations, undiſturb'd Poſſeſſion for a hundred Years does entinguiſh the former Title.

Vind. p. 7.

Grot. ibid. ſect. 8.

We come next to Hereditary Right, and thus he argues againſt it, *it is either a continued Uſurpation which can give no Right,*

Caſe of Al. pag. 24.

or a Right by Law. How Uſurpation may produce a Right is conſider'd already, and what ſays he againſt a Right by Law? why, *that is by the conſent of the People to entail the Crown on ſuch a Family, which (he has obſerv'd before) cannot be done; for what Right had my Anceſtors three or four hundred Years ago to chooſe a King for me?* Here a Queſtion is made, whether an Act or Law made by our Anceſtors may oblige their Poſterity? He gives no Reaſons to prove the Negative, but ſuppoſes it Self-evident. But the Reaſon and Practice of Mankind ſuppoſe the quite contrary; if Children cannot be bound by the Acts of their Parents, the Authority of Parents does ſignifie nothing; but we need not this Authority to enforce the Obligation of Laws: every Human Law does oblige the whole Community, or Political Society, to which it is a Law, and therefore the Society being ſtill the ſame it was four hundred Years ago, the Obligation reaches to every Member of it. Thus Mr. *Hooker*, *to be commanded we do conſent, when that Society, whereof we are a part, hath at any time before conſented, without revoking the ſame after by the like univerſal Agreement: Wherefore as any Man's Deed paſt is good as long as he himſelf continueth; ſo the Act of a publick Society done five hundred Years ſithence, ſtandeth as theirs who preſently are of the ſame Societies, becauſe Corporations are immortal: We were then alive in our Predeceſſors, and they in theirs Succeſſors do live ſtill.* Even the publick Good and Intereſt of Societies is a ſufficient Foundation for the extending the Obligation of Laws to Poſterity. If the Acts of Predeceſſors cannot bind their Succeſſors, ſtanding Leagues between Nations are impracticable, a King in being cannot be oblig'd by the Acts and Grants of former Kings, the publick Faith of a Society is a publick Cheat, for the Society can never be bound by it for a Week together; and laſtly, where the explicite Conſent of the People is requir'd to a Law, it is plain that all Laws muſt expire as ſoon as born; for the People are in a continual Flux, and they are not the ſame to Day as Yeſterday; ſo that abſolute Neceſſity ſeems to have introduc'd an univerſal Agreement in all Societies, that the Obligation of Laws ſhould be extended to Poſterity. This is the undeniable practice of all Nations; every Act of Parliament is intended to oblige the future as well as preſent Generation, till it is repeal'd. In the Recognition of *James* the Firſt, *the Lords and Commons do ſubmit and oblige themſelves, their Heirs and Poſterity for ever, until the laſt drop of their Bloods be ſpent, to his Majeſty King James, and his Royal Progeny, and Poſterity for ever.*

Here it is plain, this Parliament thought they had a right to make Acts and Vows for their Poſterity; and we have not a Parliament only, but alſo the Reaſon and Practice of all Nations againſt a ſingle Doctor; and I think he is the firſt Doctor that ever undertook to prove that Hereditary Right is no Right, and that there is no Right to Sovereignty but Poſſeſſion. But I think alſo that the Doctor does contradict the Doctor, for he allows that in an Hereditary Kingdom the lawful Heir has a legal Right to the Crown before he is in Poſſeſſion, and even after he is diſpoſſeſs'd, and when the Crown is vacant he acknowledges the Subjects are bound to maintain the Succeſſion, and to ſet up the lawful Heir: And if this be true, then it is evident, that an Hereditary Right without Poſſeſſion may lay an Obligation upon the People, and conſequently the People may be oblig'd by this Right, though they did not perſonally conſent to it.

Eccleſ. Pol. 1ſt Book, p. 88.

He urges farther, that this Hereditary Right *muſt be ultimately reſolved into the Authority of the People to make Kings, which is is unjuſt for God himſelf to ever-rule and alter, for a legal Entail is nothing more than the Authority of the People, and if the People have Authority to make Kings, they will challenge as much Authority to unmake them.* A Legal Entail may be founded on the expreſs conſent of the People, or upon * *a long continued Preſcription, which implies*

Caſe of Al. p. 25.

* Bp. Bramhall's Works, p. 527.

implies a full Conſent, and derives a good Title of Inheritance both before God and Man; but though the Right be founded on Conſent, yet the Authority of Government is only from God. The People have Power to conſent, and when they have conſented, Reaſon and Equity do dictate that they are bound to obſerve their own Pacts and Covenants. But to ſpeak properly, this Obligation does not ariſe from Conſent and Reaſon, but from the Authority of God; for Obligation is the effect of Law, and nothing can be Law without the Sanction of ſuperior Authority, which in the Laws of Nature (ſuch as that is, which requires that the People ſtand to their Pacts, and to thoſe Forms of Government which they have entred into) can be God alone. And thus as the Authority of Government proceeds from God; ſo the Obligation of the People, to adhere to that Entail which their Conſent has made, does proceed only from God's Sanction of that natural Law, which makes their Conſent irrevocable; and for that Reaſon though they have ſome Power in making Kings, they have none to unmake them.

Vide Seld. *de Jur. Gen. l.* 1. *c.* 7, 8. *p.* 93, 105.

But then if Conſent be neceſſary to Right, and God's Authority is not convey'd without Right, *Is not this to ſay, that the Right of Government is not derived from God* Caſe of Alleg. p. 25. *without the Conſent of the People? For if God cannot make a King without the People, or againſt their Conſent declared by their Laws, the Authority muſt be derived from the People, not from God; or at leaſt if it be God's Authority, yet God cannot give it himſelf without the People, nor otherwiſe than as they have directed him by their Laws. And this*, ſays the Doctor, *is very abſurd, and what thoſe Perſons abhor the Thoughts of, who inſiſt ſo much upon a legal Right.* But where is this horrible Abſurdity? Is it that God cannot make a King without the People? That indeed is an Abſurdity, but aſſerted by no one; the Queſtion is what God wills or does, and not what he can do. He can make a King out of Stones, he can make him without the People, without any Inſtruments, and without any antecedent Right; but this he never does, and what he can do is nothing to the purpoſe. But does it not then follow, that *the Authority muſt be derived from the People, not from God*; derived from the People onely as Inſtruments; but then *God cannot give it himſelf without the People*, which indeed is a ſelf-evident Conſequence; for *if God cannot make a King without the People*, it follows plainly, *that God cannot give Authority without the People*: He adds, *nor otherwiſe than as they have directed him by their Laws.* He ſhould have ſaid, as God himſelf has directed, for the Direction or Obligation of Laws proceeds from God alone. But where are we? Is it not his own Doctrine, that God does never make Kings without the Conſent of the People? No matter whether this Conſent be Law or no, it obliges the People, and Providence never ſets up a King without it; and how then can he acquit himſelf of theſe imaginary Abſurdities? If he ſays the Conſent of the People is the effect of God's Choice, is his Inſtrument, or the Sign of his Conveyance of Authority, the ſame ſay I for a legal Entail, and his own Diſtinctions will anſwer his own Arguments.

3. To juſtifie the Doctrine of Allegiance to Uſurpers, he urges this Argument, *That it is founded on the ſame Principle as the Doctrine of Nonreſiſtence, and* Caſe of Alleg. p. 36. *therefore both muſt be true and falſe; for it is founded on this Principle, that God makes Kings, and inveſts them with his Authority; which equally proves, That all Kings who have received a Sovereign Authority from God, and are actually in the Adminiſtration of it, (which is the only Evidence we have that they have received it from God,) muſt not be reſiſted.* This Reaſon depends upon his former Proofs, and falls together with them; it is finally reſolved into this Aſſertion, that they who are in the *actual Adminiſtration of Sovereign Power* have received Authority from God: An Aſſertion which makes all Uſurpers the Ordinance of God;

God; which divests *Charles* I. and II. of God's Authority, and assigns it to the *Rump* and *Cromwell*; which gives the Sanction of divine Right to the greatest Wickedness and Injustice, which is contradicted by almost all Divines and Lawyers, by the Voice of Nations, and by the Doctour himself; for he acknowledges that God's Authority is not always annexed to the *actual Administration of Sovereign Power*: Here he asserts, that it *is the only Evidence we have* of the *receiving* Authority from God; yet when he comes to account for *Cromwell*, he confesses it is no Evidence, and makes the Consent of the People to be the onely evidence of it. We grant that Non-resistence is founded on God's Authority communicated to Sovereigns; but we say, that it is always communicated with Right, that all just Rights are established by God's Authority, that actual Administration is onely matter of Fact, which is different from Right, and that Usurpers may have it by God's permissive Will, which is no Conveyance of Authority. But Non-resistence it seems is *Nonsense*, unless it be founded on this new Principle; if it must be so, who can help it? We must acknowledge, that *Dudley Diggs's*, Dr. *Fern's*, Dr. *Hammond's*, Bishop *Sanderson's*, Archbishop *Bramhall's* Defences of Non-resistence, are Nonsense, for they defend it upon another Principle; which is more, that all the *Church of* England *Writers*, for at least 50 years together, even Bishop *Stillingfleet*, Doctor *Sherlock*, and the other Worthies of the Age, have erred in the Foundation of Non-resistance, and have preached nonsensically, and writ nonsensically for it; and which is more yet, that no one Writer of the *Church of England*, before the late Revolution, has defended the Doctrine of the Church upon that Principle, which by a new Light is discovered to be the true Foundation of it; I cannot believe this without Demonstration; but for that I am sent to the Clouds, and to the unsearchable Abyss of Providence.

What the Doctour urges about receiving Authority from the People, is answered already; the 13th of the *Romans* is also considered, and Bishop *Overall's* Convocation-Book is fully vindicated from his Glosses, and I am not now at Leisure for Repetition. *Ibid. p. 31.*

4. To *say that when the Divine Providence has removed one King, and set up another, we must not pay the Duty of Subjects to him, if he have no legal Right, is to deny God's Authority to remove Kings, or set up Kings against humane Laws.* This he propounds as a 4th Reason, but 'tis onely a repeating of what he had said in his 5th Proposition, and there it is answered. Here it will suffice to answer that removing and setting up Kings are equivocal Expressions, which signifie either God's suffering or doing, his Permission of Power, or his Conveyance of Authority: An Usurper is set up by permissive Providence, and to deny him Allegiance is no Opposition to God's Authority. But *God cannot make a King, if he cannot oblige us to obey him; nor remove a King, if he cannot discharge us from our Allegiance to him.* He can make and remove Kings by his permissive Will, without transferring our Allegiance; if the Doctour can prove that he makes Usurpers otherwise, we are ready to shift sides with Providence. But *those are bold Men, who will venture to say in plain contradiction to holy Scripture, that God cannot remove or set up Kings.* As for me, I am none of those *bold-Bayards*; I believe that God governs the World, and that he removes and sets up Kings; he removes Kings out of the World, and out of their Thrones, he sets up lawfull Kings, and he sets up Usurpers. *Henry* the Great he removed by *Ravilliack*, and *Charles* I. by a *High Court of Justice*; he set up *Charles* II. and King *James*, and he set up *Cromwell* and *Massianello*: All this is true; but it follows not hence, that he does all this by his positive Will and Conveyance of Authority.

Our Church has taught us otherwise in the Office for King *Charles's* Martyrdom, his Death is there always ascribed to God's permissive Will. *Albeit thou didst suffer them to proceed to such a height of Violence, as to kill him, and to take possession of his Throne,*

Throne, yet didſt thou in great Mercy preſerve his Son, whoſe Right it was, and at length by a wonderfull Providence bring him back, and ſet him thereon. The Removal of King *Charles*, and the ſetting up the *Uſurpers*, are both attributed to God's permiſſive Providence; but the ſetting up of him, *whoſe Right it was*, to his poſitive and active Will: He ſuffered the Uſurpers to take Poſſeſſion of the Throne, but he ſet the rightful Heir thereon.

But here again the Queſtion is not, what God can doe, but what he does; he can give a *Man's Houſe, and his Wife, his Ox and his Aſs, and any thing that is his*, to another who has no Right to them, and ſo he can give his Crown and Kingdom: But the Queſtion is whether God does give them by the bare Events of Providence? Whether he who has Poſſeſſion of another's Houſe, or Wife, or Kingdom, has a divine Right to them? I will be bold to ſay that he has not; and yet I pretend not to confine God's Providence, he governs the World as he pleaſes, but he obliges us to be governed by Laws; he can tranſfer any Man's Houſe, or Wife, or Kingdom to another, by his permiſſive Will, as when they are uſurped; by his poſitive, when he conveys a Title to them. The Doctour affirms, that God never ſets up Kings without the Conſent of the People; others add, without their lawfull Conſent, or againſt a lawful Right; if Conſent be no Confinement of Providence, neither is Right and lawfull Conſent; and if this Opinion be a contradiction to the Scripture, ſo is the former. But,

§. *This limits the Providence of God in governing Kings, and protecting injured Subjects: We ſay the puniſhment of Sovereign Princes is peculiar to God, and that if they abuſe their Power, God will puniſh them for it; but it ſeems God has no way to doe this, but to take them out of the World, for he cannot remove them from the Throne.* The Doctour is very carefull that bad Princes may be puniſhed, and their Puniſhment in another World does not ſatisfie him: He pretends to make them accountable to God only, but that is a Complement; he elſewhere makes them accountable to their Subjects; for if Princes govern not according to their liking, they may withdraw their ſworn Allegiance from them, ſuffer them to be depoſed, and then abjure them. But has not God ways enough to puniſh Princes without licenſing their Subjects to abjure them? Cannot he puniſh them as he did *David*, by raiſing Evil againſt them out of their own Houſe and Bowels; as he did *Jeroboam* with the loſs of his Son, *Uzziah* with Leproſie, *Nebuchadnezzar* with Phrenſie, and *Herod* with a moſt loathſome and tormenting Diſeaſe? Is not God's Power of puniſhing confined by not reſiſting as well as not abjuring? Or is it any Argument againſt Non-reſiſtence, that then God cannot licenſe Subjects to rebell againſt their Sovereign? Is it a Confinement of God's Power to puniſh leud Husbands, becauſe it is not lawful for their Wives to commit Adultery; or prodigal and tyrannical Parents, becauſe their Children cannot hang them, or in reſpect of both, becauſe Obedience is due to Husbands and Parents as long as they are living? In all the Succeſſion of the *Roman Emperours*, which were as wicked and tyrannical as any Succeſſion in the World, not one of them was puniſhed by the Tranſlation of the Empire, while they were living, and againſt their own Conſents; and yet God's Judgments were never more remarkable upon any Succeſſion of Monarchs. God has ways enough to puniſh Princes without taking his Meaſures from the Doctour, he can puniſh them without the Wickedneſs of Men, and he can puniſh them by it: though he never makes it lawful for Subjects to rebell and depoſe their Princes; yet he can puniſh them by Rebellion and Depoſition, by withdrawing his Protection, and giving Succeſs to Rebels and Uſurpers; he can puniſh them likewiſe by hardening them in their Wickedneſs, by ſuffering Subjects to abjure the King they have depoſed, to raiſe Taxes and Armies to oppoſe, and even at length to murther him; and can any Man wiſh for more ways of Puniſhments? Are not theſe enough for God

to execute his Vengeance? Or is his Providence cramped or limited, because it is not lawfull for men to do evil?

But if Subjects can't translate their Allegiance, when an evil Prince is removed from the Throne, then his removal is no deliverance to them, *They are never the better for it, for they must not own another Prince, though he would be never so kind to them.* Well, and what if they are never the better for the depoſing of their Prince? This is often the courſe of God's Providence to give and to take away a King in his Wrath. When the *Romans* thought to make themſelves happy by depoſing Tyrants, they were uſually plagued with greater; *Sævior & inteſtabilior ſemper eſt exortus.* When God depoſes a rightful Prince, and leaves him a right to the Throne, he has a right to Allegiance; and therefore his Subjects cannot tranſfer it to another Prince, though he be the ſweeteſt, *kindeſt* Prince under Heaven, for Kindneſs and good Nature are no Right to Allegiance.

Ibid. Yet *this ſeems very hard, that when God has actually delivered us, we muſt refuſe our Deliverance, that we will not allow God to deliver us, unleſs he do it by Law.* This is pretty and paſſionate, but, to uſe his own Eloquence, *is a very nothing.* It is often a Duty to refuſe Deliverance when God does deliver us; we are ſometimes bound to ſuffer Martyrdom *not accepting Deliverance.* A Maſter of a Family does cruelly treat his Wife, his Children, and Servants; God delivers them, by ſuffering a Robber to drive him out of his Poſſeſſions, he offers to govern them gently, if they will ſwear to reſiſt the former Poſſeſſor, and accept of him as a Husband, Father, and Maſter. A Prince oppreſſes his Subjects, many of them rebel and bring Deliverance to the reſt with this Condition, that they will ſwear to joyn in the Rebellion; in theſe Caſes is it lawful for the oppreſſed to accept Deliverance? When a Deliverance is offered, which cannot be enjoyed without Sin, it is God's Providence that offers it; not for our Complyance but our Tryal; and to accept of ſuch a Deliverance will make us liable to his Vengeance. The Queſtion then is, whether it be a Sin to abjure our lawful Sovereign, and to aſſiſt an Uſurper againſt him, we believe that it is a Sin againſt humane Laws, and againſt the Laws of God and Nature, and if it be a Sin, then intereſts of Fleſh and Blood cannot make it lawful; and therefore to talk of God's Deliverance, when the only Queſtion is about the lawfulneſs of abjuring a lawful Sovereign, is in plain Engliſh only Cant and Banter.

His 6th Argument, wherein he undertakes to confute Biſhop *Sanderſon*, has fallen into better Hands, and there I ſhall leave it; the ſumm of it is this, That we muſt renounce our Allegiance to the diſpoſſeſſed Prince, for the ſake of the publick Good, the Neceſſity and Ends of Government; and I ſhall only obſerve that here he Argues upon the Fundamental Principle of the Jeſuites, Republicans, and Fanatieks, who have written for Reſiſtance, and if the Doctor expects it, I will make good this Charge againſt him.

His 7th Argument is this, *Theſe Principles anſwer all the Ends of Government, both for the ſecurity of the Prince and Subjects, and that is a good Argument to belive them true.* Ibid. p. 43. Theſe Principles, What are they? Non-reſiſtance, Non-aſſiſtance, and Allegiance to Uſurpers: *A Prince who is in Poſſeſſion, is ſecured in Poſſeſſion by them (as far as any Principles can ſecure him) againſt all attempts of his Subjects, who muſt ſubmit to him without Reſiſtance, though they are ill uſed.* On the contrary, here is no Security for even the beſt of Princes; his Subjects are indeed forbidden to reſiſt him, but if any attempt be made againſt him by Subjects or Foreigners, he may be left to duel them all, and to fight his Battles by himſelf againſt all his Enemies. He will ſay that a good Prince muſt be defended by his Subjects, and ſo ſay the Republicans that he muſt never be reſiſted and depoſed: But it is the unavoidable Miſchief

of

of their Principle, that the Subjects are made the Judges of their Sovereign, and they will often judge the beſt of Kings to be Tyrants. And is not the Doctor's Principle liable to the ſame Miſchief? *If Subjects have a very bad King who notoriouſly violates their Rights*, they are not bound to defend him; and are they not plainly then the Judges of his Crown? They may judg the beſt of Kings to be a very bad one, and then *David* look to thy ſelf, for *Abſalom*, or *Sheba*, any Rebellious Son or Subject may deſtroy thee at their Pleaſure; there is but little difference between Reſiſtance and Non-Aſſiſtance, as to the Security of Kings, the one expoſes them defenceleſs to be murthered by the other, this brings them to the Scaffold, and that chops off their Heads; and 'tis the ſame thing to Princes whether they are betrayed or reſiſted, abandoned or depoſed, aſſaulted by Aſſaſſins, or expoſed naked to them. But,

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The Doctor's Principles *will not ſerve the Revolutions of Government, to remove one King and ſet up another*, and why ſo? *the Revolutions of Government are not the Subjects Duty but God's Prerogative*; that is, God may make Revolutions, but the Subjects muſt not promote them, and if God can change Governments without the Subjects Aſſiſtance, why may he not do it without their Complyance? But yet Subjects muſt comply and tranſfer their Allegiance, and then the new King is ſecure, till he diſobliges his Subjects, for then they who have Power from God, will think they have a Call to execute his Prerogative, and the reſt will ſay in their Hearts, *let him go if he cannot defend himſelf*; and if fighting by himſelf he chances to be beaten, then God removes him, we muſt adore the riſing Sun, and Allegiance muſt be always a Lacquey to Succeſs. Theſe are Principles ſure that Princes have reaſon to be jealous of, *for whatever Service they may do them at one time, they may do them as great diſſervice at another*; they advance Uſurpers to the Throne, and then tumble them headlong from it.

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But when any Prince is ſetled in the Throne, theſe Principles put an end to all Diſputes of Right and Title, and bind his Subjects to him by Duty and Conſcience. I may anſwer in his own way, *it is evident that theſe Principles were either unknown to the World, (and that is an Argument againſt them) or elſe, that they cannot put an end to Diſputes of Right and Title; for there have been ſuch Diſputes in all Ages, and I believe will be to the end of the World*: If this be triflings, let the Doctor anſwer for it: But admit his Principles were generally receiv'd, it is evident they can never put an end to Diſputes of Right, nor bind the Subjects by Duty and Conſcience to an Uſurper; for he expreſly acknowledges, that *the Providence of God removes and ſets up Kings, but alters no legal Rights, nor forbids thoſe who are diſpoſſeſſed to recover their Rights.* The diſpoſſeſſed Prince has ſtill a legal Right and Claim, which he may lawfully proſecute by War; And is not here an admirable end the Controverſy about Right? Oh! but this Controverſy is between the Princes only, upon theſe Principles it can be none among the Subjects, for they are bound by Duty and Conſcience to the Prince in Poſſeſſion. And what are they bound to? Non-Reſiſtance and Submiſſion? Is that any Security to the Sovereign when he is invaded by the lawful Prince? Are they bound to Allegiance, or to an actual defence of the Uſurper againſt him? That they cannot be, for it would be a bond of Iniquity; if the diſpoſſeſſed Prince has a juſt cauſe of War, and this is evident to the Subjects, Is it lawful for them to ſupport an unjuſt Cauſe againſt a juſt Cauſe? It is generally agreed, that a War cannot be juſt on both ſides; *Grotius* gives this Reaſon, *becauſe in the nature of the thing there cannot be a moral Faculty unto contrary Actions, a right in one ſide to invade, in the other to defend*; and *Vaſquez* this, *becauſe that a War be juſt on one ſide, it is requiſite there be injuſtice on the other, for herein*

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Lib. 2. c. 23. ſect. 13.

Tom. 1. Diſ. 64. c. 3.

assists the reason of War, that he who deserves it should be punished by vindictive Justice. If the War of the legal Prince be therefore just, and the War of the Usurper unjust, these Consequences must inevitably follow. 1. That the Usurper is bound to restore the Crown he has usurp'd, for if it be unjust to defend it, it must be unjust to keep it. 2. If he is bound to restore it, he has no right to it by God's Donation. 3. He is responsible for all the Blood that is shed in an unjust War, his Soul must answer for all the Persons that are kill'd, as for so many Murthers. And, 4. The Subjects cannot lawfully assist him in murthering Innocent Persons, and much less in executing a Sentence of Death, (for such in effect is War) upon their innocent Sovereign to whom they had sworn Allegiance, and who seeks for nothing, but what is justly his own.

And now upon the whole, is not this Scheme of Principles an incomparable Security for Princes? Subjects must not depose their Princes, but they may stand by and see them deposed and murthered; if the best of Princes be unfortunate, they may lawfully abjure them, and swear Allegiance to the Usurper, and then contribute their Purses, Prayers, and Arms to destroy their lawful Sovereign. But let the Usurper be sure to be fortunate still, and not to invade our Properties and Religion, let him look to it, as most Men will say, *let him go if he cannot defend himself; that he is placed in the Throne at present, does not prove that it is God's will it should always be so.* The dispossessed Prince has a lawful War against him, and if he gets a Battel, he is God's Ordinance again, and our Allegiance is due to his Victory.

Pag. 26.

On the contrary, if Principles are to be judg'd by their being *for the Security of the Prince and Subject*, an immovable Allegiance to our lawful Prince, will appear to be the truest, *for it is the best Principle to prevent all Revolutions of Government*; and all the Mischiefs of Civil War and Anarchy which usually attend them, and therefore is most *for the Peace and Security of Human Societies.* But to this the Doctor has several Objections.

1. *If this Principle would prevent all Revolutions, it is a demonstration against it, that it is a bad Principle, because it is contrary to God's Prerogative of reproving and setting up Kings.* This Objection concludes as strongly against Justice and Christianity it self; for it is certain, that if the Principles of Justice and of Christian Religion were universally preach'd, there would be no Usurpations nor Revolutions; and that is a Demonstration with the Doctor, that *they are bad Principles, meer Human Inventions, which cannot come from God.* Pag. 44.

2. It is evident, *that this Principle was either unknown to the World, or that it cannot prevent the Revolutions of Government.* But still it may be the best Principle to prevent them, and no Man ever affirm'd that it would always actually prevent them. Mankind are not generally govern'd by Principles, but by Lusts and Passions: Christianity is the best Religion to prevent Revolutions, and to preserve the Peace of Societies, but we see, *de facto*, it fails of preventing them no less than our Principle of Allegiance. Ibid.

3. *Such Principles as must dissolve Human Societies when such Revolutions happen, and expose the most conscientious Men to the greatest Sufferings, without serving any good end by them, cannot be true.* I answer, there is no Principle of Morality and Religion but may occasion the dissolution of Human Societies, but then the wickedness of Men is the proper Cause of it, and not the Principle. The Doctor has answer'd this Objection himself, *the Divine Providence takes care of all such extraordinary cases, and where we must leave them.* Pag. 34. And even his own Principle is liable to the same Objection; for till the new Prince is settled, no Allegiance is due to him, and therefore in that Interval which may last for an Age or more, since no Allegiance is due there can be no Sovereign, nor Subject, and consequently no Society. As for the Sufferings of conscientious Men, that is

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their Portion here, but great is their Reward in Heaven; and whereas he says those Sufferings can serve to no good end; the keeping of *their Consciences void of Offence*, is one good end, and the promoting the publick good of Human Society in general, is another. But does not this Principle tend to dissolve Societies? No otherwise than as Christianity tends to set Men at variance in the same Houshold, not naturally, but contingently, not in its own Nature, but in the Event of Things, and by the Wickedness of Men.

4. *Is the Right of any Prince so sacred, as to stand in competition with the very Being of Humane Societies?* I answer, That the Sovereign is comprehended in the Society, and ought not to be opposed to it; that we must not do Evil that Good may come of it; and that Perjury and Injustice, Revolutions, Civil Wars and Anarchy, are against the Interests of Society. *Must we defend the Prince's Rights with the destruction of the Nation, and the Ruine of his Subjects?* This perhaps may be a Case in the *New Atlantis* or *Utopia*: But I ask another Question, may we abjure and sacrifice a lawful Prince for the safety of his Rebels and Enemies? *Which is most necessary, that the Nation should be governed, or that such a Prince should govern it? And if he be driven out of his Kingdom and cannot govern, must we then have no Government? Or how shall the Nation be governed, if the Subjects are bound to pay Allegiance to no other Prince?* Let us remember the *Rump* and *Cromwell*, and all these Questions are answered. The Loyal Members of the *Church of England* in those days thought it necessary that the Nation should be governed by the lawfull Prince, they reserved their Allegiance for him when he was driven out of his Kingdom, and could not govern, and they refused to pay Allegiance to Usurpers. In short, it is better to be without Government, than to do Evil for the sake of those who will not be governed by their lawfull Governours. But *then is to make all Mankind the Slaves and Properties of Princes; as if all Men were made for Princes, not Princes for the Governments of Men.* To this I oppose some other Sayings of the former Dr. *Sherlock*, in his *Case of Resistence*: *If the King be God's Minister, he is upon that Account as much greater than all as God is.* pag. 104. *The whole Nation is as much Subject to the higher Powers as any single Man.* pag. 107. *Sovereign Power is inseparable from the Person of a Sovereign Prince.* p. 200. *We must not deny Duty to be Duty, because we may suffer by it.* p. 215. *And we must patiently submit to a Prince, though he persecute and oppress us.* p. 220. The Doctour may reproach us if he will, for preaching the Doctrine of the Bowstring, and making all Mankind the Slaves and Property of Princes: But then he should renounce his Nonresistence and his King together; for that Doctrine is equally loaded with those Reproaches, and our Principle will be as easily discharged from them.

pag. 45.

I have now done with the Doctor's Arguments; there are some others which are scattered in his Book, but they are reducible to these I have examined. I have answered them fairly, and to my own Reason satisfactorily, and all ingenuous Men I hope will be satisfied, that if I am in an Errour, I have some shew of Reason for it, though I pretend not to *Demonstrations, and self-evident Propositions.*

But I must not give it over thus; for the Doctour has endeavoured to *vindicate* his Arguments: the greater part of his *Vindication* relates to Bishop *Overall's* Convocation-Book, the Case of *Athaliah*, and the Case of Obedience to the late Usurpers; and these Disputes will be managed better by others: It is my business to answer his Arguments from Scripture and Reason; what he offers in his Vindication from Scripture is considered before, and now we must examine what he offers farther from Reason. Our Dispute, as far as Reason is concerned, depends upon this single Question, Whether it can be proved by any Arguments drawn from Principles of Reason, that every Usurper who is settled, is invested with God's Authority? But the Doctour pretends not in his *Vindication* to produce new Reasons for the Affirmative, he

only repeats his former Arguments, and fortifies them with new Evasions.

His fundamental Argument from Reason is contained in his 3d Proposition, and the summ of it is this, *That God governs the World, and sets up Kings, when by his Providence he advances them to the Throne, that he never does this by his permissive Will, because all Events, and especially such as will do most good or hurt to the World, must be ascribed to his positive Will, his Order, and Appointment; and hence he concludes, that all Usurpers being advanced by God's Providence, are invested with his Authority.* I have endeavoured to confute this Argument, and in his *Vindication* I meet with a long Discourse about Providence where he endeavoured to defend it.

Vind. p. 58. to 62.

Pag. 58. He demands, *How God does make Kings in* England? *he finds no Prophets to annoint them; therefore he makes them no other way but by the Events of Providence, and how does God make Kings by his Providence? Truly this can be done no other way but by placing them in the Throne, and settling them there with the general consent of the People.* And hence he infers, that when God makes a King by this Providential Settlement, he invests him with his Authority, and makes it the Duty of Subjects to obey him. I reply to all this, that God makes Kings in *England* onely by his Providence, is true; but there are two ways of making Kings by Providence, by Permission and Appointment; by the conveyance of Right and Authority, or of bare Power and Possession: an Usurper is made the wrong Way by God's Concession of Power, and Permission of his Wickedness. But thus the Doctour argues against the Advancement of Usurpers by God's permissive Providence: *A Prince,*

pag. 59. says he, *may ascend the Throne, and govern a Kingdom for many Years, (it may be 100 Years) without God's Authority, and then it should seem that God does not rule in those Kingdoms, which he does not dispose of by his own Will and Counsel, but suffers Usurpers to take the Government of them.* Now if this be an absurd or impious Consequence, the Doctour himself is bound to answer for it: he maintains that a Prince dispossessed is divested of Gods Authority, and an Usurper is not invested with it, till he is throughly settled; but this *Interregnum* may continue 100 years, or more; he acknowledges himself, that in *England* there was no Settlement for near 20 years together, in the times of the late successive Usurpations; *and it*

should seem then that God did Ibid. *not rule in this Kingdom, when he onely suffered Usurpers to take the Government of it, and that God did not govern it, when it was not governed by his Authority or Minister.* How the Doctour will answer this I know not; but this I know, that God's Providence does govern in times of Usurpation, of Civil War, of Anarchy, and in those Countries where there is no Civil Government at all; and one may safely affirm, that God governed this Kingdom in the time of *Cromwell*, when yet it was not governed by *God's Minister*, or by his *Authority*. But *does Providence and Government signifie onely his Per-* Ibid. *mission?* No man says it; *does God look on, and see Men snatch at Crowns, and take them, and keep them, and exercise an Authority which he never gave them?* And does God then inspire and authorize usurping Princes to snatch at Crowns, and possess them? Does he onely look on and see infinite Villanies and Impieties every day committed? Does he suffer Schismaticks, Rebels, Pirates, and Murtherers, to exercise an Usurped Authority which he never gave them? But *to resolve Providence*

into a bare Permission, especially Ibid. *in matters of such vast consequence is to deny God's Government of the World.* But we resolve not Providence into a bare Permission; 'tis our Faith, and our exceeding Comfort, that Providence over-rules Mens Wickedness, and brings Good out of Evil; but we believe also that God is not the Author of Sin, be it great or little, and that all wicked Actions, though of never so vast a consequence, are onely permitted by him for wise Ends and Purposes: in short, we maintain God's Government

of

of the World, but not in Derogation to his Juſtice and Holineſs.

But the Doctor endeavours to anſwer this Objection againſt his Prin-
Ibid. ciple, *That to ſay that proſperous Uſurpers, when they are ſettled in the Throne, are placed there by God and have his Authority, is to make God a party to their Wickedneſs.* The force of the Objection conſiſts in this; that ſince according to the Doctor's Scheme of Principles, it is Wickedneſs in an Uſurper to aſcend the Throne, and it muſt be Wickedneſs alſo to keep it; becauſe the legal Right of the former Prince remains, which to detain from him is Injuſtice; hence it follows evidently, That if God authorizes the Uſurper to poſſeſs and keep the Throne, he gives him Authority to commit a Sin, which he will puniſh with Damnation, and is therefore the principal Author of the Wickedneſs.

And how is this Objection Anſwered? Firſt we are told, *It is an Argu-*
Ibid. *ments againſt God's Government of the World,* and this is the Reaſon, *for if God cannot direct and over-rule the Wickedneſs of Men to accompliſh his own Counſels, without being the Author of thoſe Sins, whereby ſuch Events are brought to paſs, there is an end of God's Providence and Holineſs; for the moſt glorious Deſigns of Providence have been accompliſhed by very wicked Means, even the Crucifixion of our Saviour himſelf.* Now this is a great Truth, but nothing to the purpoſe; God can certainly over-rule Wickedneſs without being the Author of it; But what then? Does God's over-ruling Providence convey Authority to perſiſt in Wickedneſs? Or does it alter the nature of Good and Evil, and make the unjuſt Detention of another's Right to be no Injuſtice? We have no diſpute about God's bringing Good out of Evil; We maintain that it is unlawful to detain another's Right, and that God cannot give Authority to do that which is unlawful, becauſe it is contrary to his Goodneſs and Holineſs: And to ſay that God authorizes no Man to be wicked, I am ſure, is no denial of his Providence, nor any Argument againſt it.

But the Doctor ſpeaks particularly to the Caſe of transferring Kingdoms; he ſuppoſes, *No Man will* Pag. 60.
deny, but that God as the ſupreme Lord of the World may give the Kingdoms of the World to whom he pleaſes, without doing Injuſtice to any Prince, who can have no Right, but by his Gift. This I grant is his unqueſtionable Prerogative. *Then*, ſays he, *the only diſpute can be, about God's bringing ſuch Events to paſs by the wickedneſs of Men.* I Anſwer, we have no diſpute about it; no doubt it is God's Perogative to give Kingdoms and Riches to whomſoever he pleaſes; but the Queſtion is, whether God does properly give them when they are unjuſtly Poſſeſſed, and when it is a Sin to keep them; if he does, we think the Conſequence is, that he authorizes Wickedneſs, and to this the Doctor Anſwers nothing; but he laboriouſly proves what is nothing to the purpoſe, that it is Juſt for God to bring Good out of Evil. God permits Robberies for good Ends, but this proves not that Robbers have a divine Right to their Booty, it is a Sin to keep it, and as long as it is ſo, we are ſure they have not God's Authority for it.

He ſuppoſes farther, that God may permit ambitious Princes to depopulate Countries, to depoſe Princes, and ſubdue their Kingdoms; and then he aſks, *Which moſt becomes the divine* Pag. 61.
Wiſdom to ſuffer ſuch Men, when they pleaſe, to overturn Kingdoms only to gratifie their own Luſts; or to give proſperous Succeſs to them when he ſees fit to new model the World, to pull down ſuch a Prince or to chaſtiſe ſuch a Nation? And thus he Anſwers his own Queſtion, *I am ſure this much more becomes the divine Wiſdom, than a bare Permiſſion of ſuch Violence without any further Deſign, which does not become it.* Thus he ſtill diſputes againſt his own Imaginations; for no one elſe does imagine, that God permits the depoſition of Princes without any other Deſign, than to gratifie the Luſts of Uſurpers; there are many good Ends for which he may permit

permit it, the Chaſtiſement or the Puniſhment of the Princes themſelves, and of their Subjects, the Diſciplining of them by Afflictions, the Tryal of their Faith and Patience, the Illuſtration of his own Glory, and many other Ends that are worthy of the divine Providence. When *Charles* I. was depoſed and murdered, that execrable Violence was permitted for wiſe Ends; but this was no Proof that God had authoritatively transferred his Kingdoms to his Depoſers and Murderers: And this is a plain Demonſtration, that it may become the divine Wiſdom to ſuffer Princes to be depoſed, and Kingdoms to be ſubdued, without any Deſign of transferring them to Uſurpers.

But *why may not God give them thoſe Kingdoms which he has overturned by them?* Undoubtedly he may; he may give them by the Conveyance of a lawful Right, or by expreſs Revelation; but the diſpute is not, what God may do, but what he does, and whether he does properly give Kingdoms to Uſurpers. But the Doctor ſuppoſes again, That *it is as agreeable to the Sovereignty, Wiſdom, and Juſtice of God, to give a Kingdom to an Uſurper, as to ſuffer a wicked Tyrannical Prince to aſcend the Throne with a legal Title.* This he ſuppoſes but without Proof, and againſt Reaſon; God by Virtue of his abſolute Sovereignty may give a Kingdom to any one, as he can give any Man's Eſtate, or Wife, to any Man by the ſame Sovereign Dominion: But Firſt, The Poſſeſſion of an Eſtate, Wife, or Kingdom, is no Evidence of God's Donation: And Secondly, When God does really give a Kingdom, all former Rights are extinguiſhed by a divine Right, and it is no Injuſtice in him to whom it is given to poſſeſs and keep it. But according to the Doctor's Principle, the Right of the former Prince is ſtill valid, and he may proſecute it by a lawful War, and therefore it muſt be unjuſt in the new Prince to detain it from him; and this does make a great difference between the Doctor's Uſurper, and a Tyrannical Prince with a legal Title; the later has lawful Authority from God when he can keep and exerciſe without Sin, the Tyrannical abuſe of it is yet wholly from himſelf, and is only permitted by God for Ends agreeable to his Wiſdom and Juſtice. But the Doctors Uſurper has Authority given him by God, and yet the Poſſeſſion and Defence of it againſt the lawful Prince is unjuſt and unlawful; now this is a plain contradiction in the nature of the Thing, and to God's Wiſdom and Juſtice alſo, for hereby God is made to authorize that which is formally unjuſt, which is contradictory to his Juſtice; and to give a Prince a Kingdom, and yet oblige him to reſtore it, which is diſagreeable to his Wiſdom. But in ſhort, let the Doctor prove if he can, that it is no Sin in an Uſurper to poſſeſs himſelf of the Throne, and that he is not bound to reſtore it, and there ſhall be an end of this Controverſie; I will acknowledge that he has God's Authority, and that his Principle does not charge God as being the Author of Wickedneſs; but if that be impoſſible to be proved, he may waſh and varniſh, and lay on Colours till he is weary, the *Æthiopian* will ſtill retain *his Skin, and the* Leopard *his ſpots.*

Ibid.

The next Objection he labours to remove is this, That his Principle *juſtifies an unreaſonable and wicked Doctrine, by making the Acts of Permiſſions of Providence a Rule for practice againſt Right and Juſtice.* The ſumm of his Anſwer is this; *He acknowledges that it is impious to juſtifie Actions from Succeſs, or to conclude that it is God's Cauſe, which Providence proſpers, becauſe it confounds the difference of Good and Evil, and deſtroys all the ſtanding Rules of Right and Juſtice. But yet it is a neceſſary Duty to diſcharge thoſe Duties which the Providence of God lays upon us according to the Nature and Intention of the Providence; and thus God's Providence may in ſome Senſe be a Rule of Practice, and may make or extinguiſh a Duty by changing our relations or conditions of Life; as in the preſent Caſe he muſt transfer my Allegiance when he changes my King.* In another place he ſtates it thus, *The Laws of God are the* Vind. 44.

Ibid.

Rules

Rules of Good and Evil to us, but the Providence; but Providence lays new Obligations upon us by creating new Relations: The Laws of God prescribe the Duty of Subjects to their Prince, but the Providence of God makes him. I Answer,

1. That impious Doctrine which teaches, that the Cause, which Providence prospers, is God's, does seem the unavoidable Consequence of the Doctor's Principle; for he teaches that all Events are God's doing, and that he positively decrees, appoints, accomplishes all Usurpations: But if all Events are God's doing, he is certainly the Author of that which he does; and in such Events which are necessarily and inseparably accompanied with Iniquity, he must be the Author of the Iniquity too: And as to the Event of Usurpation, if he decrees, assists, and accomplishes it, if he does all this for Usurpers, we must needs conclude, that their Cause is Gods, for it is impossible for God to do more than this for any Cause whatsoever.

2. If the Laws of God, and not his Providence, are the Rules of Good and Evil to us, then it follows undeniably, that Providence of it self can never direct us how to distinguish between Good and Evil; and therefore when the Question is, whether an Action be lawful or not, we must have recourse to Laws, and not to Providence, to determine it: Thus when we dispute about Allegiance to Usurpers, the Question must be, whether there be any Law that requires it; and if there be no such Law, it is certain there is no such Duty. It is true that the divine Providence does change our Condition and Relations, and by introducing new Relations, does oblige us to new Duties: But it is also certain that all Changes which befall our Selves, or the Persons to whom we are related, do not extinguish our Relations and Obligations to them, and therefore we must have some other Rule besides Providence to instruct us when they are extinguished. When I am in Prison, or my Father is in Prison, here is a providential Change, but no Cessation of Relation or Duty. When the Course of civil Government is interrupted by Rebellion, and the Prince cannot actually administer; here is a providential Change which affects my Sovereign, but is no discharge of my Allegiance.

And how then shall I know when the Events of Providence do extinguish my Duty? My Duty does not cease upon every Change in the condition of my Sovereign that is made by Providence, and it is impossible that the Events of Providence should direct me, when it is extinguished by any Event of Providence: And therefore I must be directed by some other Rule, which may inform me, when any Duty is extinguished by a Change of Providence, and that Rule can be nothing else but Law, either divine or humane Law. Thus it appears that though a Change is made sometimes in our Duties, by the Events of Providence, yet our only Direction is Law, and thither we must appeal at last in all our Controversies about the Change of Duty; and the result is, that if there be no Law that requires Allegiance to Usurpers, the Events of Providence cannot make it to be a Duty. *Providence*, 'tis true, *does make Kings, and God transfers my Allegiance when he changes my King*: But the Question is, whether Providence does not make Kings by Permission, and whether when my lawful Prince is dispossessed, my Relation to him is extinguished; and the only way to determine those Doubts, is by appealing not to Providence, but to Law and Reason.

The Doctor tells us, *That we must conform our selves in the discharge of those Duties that Providence lays upon us, according to the nature and intention of the Providence.* But how shall I know that it is the intention of Providence, when an Usurper is advanced, that I should pay Allegiance to him? I know that God disapproves Usurpations and strictly forbids them, and declares that he will punish them; and I know also, if Usurpation be so great a Wickedness, that God's Providence does not assist or authorize it, though he does not interpose his irresistible Power to hinder it, this I am

taught by natural and reveal'd Religion, and I find no Precept in either to assist any Man in his Wickedness; in the whole Progress of the Usurpation I find nothing but Injustice, in the Rebellion or Invasion, in setting the Usurper on the Throne, and in supporting him on it; and therefore I have reason to conclude, that since my Assistance is unlawful, neither the *Nature* nor *the Intention of the Providence does require it.*

There remain some other Objections and Evasions in the *Vindication* which relate to Providence, and I will consider them as they occur.

He objects against our Principle, that it opposes Providence to Providence; the force of the Objection is this;

Vind. p. 43. 45. *God does settle the Crown on any Family no otherwise but by his Providence, and when an Usurper is setled in the Throne, he is advanc'd by Providence too; and therefore to oppose an Hereditary Right which is made by the overruling Influence of Providence, against God's setting up an Usurper by other Acts of his Providence, is to oppose Providence against Providence, his former Providence against his later Providence.* Now there is no absurdity at all in opposing Providence to Providence: A Divine Entail is nothing but an Act of Providence, and yet the Doctor thinks that the Providential Advancement of an Usurper is of no validity against it, and thus himself does oppose Providence to Providence: God's Providence may make Kings by Nomination, by the conveyance of a legal Right, and by granting Possession without Settlement, and Possession with it: And if it be no Absurdity to oppose and prefer the first to all the others, and the fourth to the third, why is it absurd to prefer the second to the third and fourth: It would be absurd indeed if the latter Providence were as clear a Declaration of God's positive Will as the former, but that is the great Controversy between us: All Men are agreed, that when a lawful King is on the Throne he has God's Authority; but not that an Usurper setled or unsettled is invested with it. I am sure there is a Providence that is only permissive, which conveys no Authority, which we cannot possibly distinguish, but by the moral nature of Events; and I think it is no absurdity to distinguish Providence, and to oppose Wrong to Right, a permissive Providence to a legal Right, which is establish'd by God's Authoritative Providence. And this single Observation, that for all that yet appears, an Usurper is advanc'd only by permissive Providence, is a sufficient Answer to all the Reflections which he makes upon our opposing Providence to Providence.

He observes, that *this is to shackle and confine Providence*, Pag. 43. *and that we will not allow God's Providence to change and alter.* We only maintain that God's permissive Providence is no discharge of our Allegiance, and that we may not abjure and resist our lawful Sovereign, because God has suffer'd others to rebel, or to depose him: We confine not God's Providence, but we confine our selves to that which is just and lawful, and we hope it is no *shackling* of God, to say he is not the Author of Iniquity.

He observes that when lawful Kings and Usurpers are advanc'd, Ibid. *it is all but Providence still*; and he desires to know, *why the Providence of an Entail is more Sacred and Obligatory than any other act of Providence, which gives a setled Possession of the Throne?* And is not an unsetled Possession an effect of Providence too? Is a Divine Entail any thing more than an Act of Providence? *It is all but Providence still.* But the Answer is obvious; it is God's Authority, and not Providence, which is Obligatory; we are sure that Lawful Kings have his Authority, but not that Usurpers have it, they are advanced by God, but by his permissive Providence only.

Lastly, He raises a great Dust about opposing Humane Pag. 43. Rights and Laws to God's Authority. I will not dispute with him about the Obligation of Humane Laws, it is enough to answer, that he supposes what he has not proved, that Usurpers have God's Authority, because they are advanc'd by his Providence; and if this is not true,

from all his Harangues about Humane Laws and Providence do signify nothing. I have often urged the Case of Robbery, and the unjuſt poſſeſſion of private Eſtates and Properties, to ſhew the unconcluſiveneſs of all his Arguments from Providence, and to prove that Poſſeſſion by Providence is no Evidence of Divine Right or Authority. But the Doctor has found out Diſtinctions and Evaſions to take off the Force of theſe Inſtances, and now I am at leiſure to conſider them.

Caſe of Al. p. 34.

The Subſtance of his Firſt Anſwer is, *That the Diſpute is not about legal Right but about Authority; no Man pretends that Thieves and Pirates have God's Authority; they have Force and Violence which every Man may ſubmit to when he cannot help it: but Sovereign Power is God's Authority, though Princes may be advanc'd to it by no honeſter means than Theft or Burglary.* I anſwer,

1. That no difference is here aſſign'd between the Uſurpations of Sovereignty and private Property, but only this, that Sovereign power is God's Authority: I have anſwer'd all his Arguments whereby he would make good his Propoſition, and if this Propoſition be unprov'd, the Evaſion that is founded on it muſt needs be inſufficient.

2. This Evaſion is at laſt a begging of the Queſtion; the Fundamental Diſpute is, Whether God's Authority is always annex'd unto Sovereign Power? His Fundamental Argument from Reaſon, is that all Providential Events are God's Appointment; it is objected that Piracy and Robbery are Providential Events, as well as Uſurpation; and the ſumm of his Anſwer is this, That Sovereign Power is God's Authority, which is nothing but arguing in a Circle, and is plainly *petitio principii*.

3. Thieves and Pirates have often Sovereign Power; they exerciſe the Power of the Sword, they make Laws, decide Controverſies, and aſſume all the Properties and Badges of Sovereign Authority; and to make them abſolutely God's Ordinance according to the Doctor's Principle, the Sovereign Thieves and Pyrates are ſetled in their Adminiſtration by the voluntary Conſent and Submiſſion of their Subjects; ſuch there have been in the World, and ſuch there may be, and whenever they ſhall be, they will have as good a Title to God's Authority as any Uſurper, for *Sovereign Power is God's Authority*, and when once the Subject Thieves have conſented to their Sovereignty, upon pain of Damnation they muſt pay Allegiance to them.

4. It has been anſwer'd, that Thieves and Pyrates have God's Providence as well as Uſurpers, though they have not God's Authority. A Thief cannot take a Purſe whether God will or no, and he muſt have the Concurrence of God's Providence to take it, and if theſe are Arguments of God's Will and Appointment, if Providence give a Divine Right, it is certain that the Thief has it, as well as the Uſurper, for they have both the ſame evidence for it.

To this the Doctor replies,

Vind. pag. 54, 55.

That there is a great difference between theſe Caſes, which is this, that in the ſettlement of an Eſtate, nothing more is requir'd but a meer legal Humane Right, and though the Providence of God allots Men's private Fortunes, yet he gives no Man a Right to an Eſtate which he has got by Fraud, Injuſtice, and Violence; but leaves all ſuch legal Rights to the care of publick Government. But on the contrary, it is God's Authority which makes a King, and not a meer Humane Right, and God's Authority is not inſeparably annexed to Humane Entails, for he can make a King without a Humane Right; if meer Law made a King, as it makes an Heir to an Eſtate, it were very unjuſt to own any but a legal King; but if God can remove a legal King and ſet up an Uſurper, then it is no injuſtice when God does ſo, to transfer our Allegiance. This contains the force of his Reply, and in Anſwer to it I obſerve,

1. That this is no Reply to the Objection, which is only level'd againſt his Arguments from Providence, the ſumm of it is this; that the Uſurpation of a Crown and an Eſtate are effected alike by Providence, and that 'tis impoſſible to find any difference in the Concurrence of it, and therefore if Providence proves a Right, the

Uſurper

Usurper of an Estate has a divine Right to it. The Doctour replies, that a legal Right is sufficient for an Estate, but to make a King he must have God's Authority. Admit this to be true, what does it signifie to the Dispute about Providence? How does it shew that there is not the same concurrence of Providence to the Usurping of an Estate and the Usurping of a Kingdom? As God can give Kingdoms, so he can give Estates to whomsoever he will, and if the meer providential Advancement to a Kingdom, is a proof that it is God's Will to give it, why is not the same providential Advancement to an Estate, a proof of the divine Donation also? If God may give the Possession of an Estate without a Right to keep it, so he may give Kingdoms; and if God's Providence does not over-rule and cancel the Obligation of Laws in the one Case, how shall it appear that it cancels them in the other? he acknowledges that Providence gives no Right to the unjust Possession of an Estate, and yet the unjust Possession is certainly an Event; and therefore he must quit his fundamental Argument, which is drawn from the Events of Providence; for he must either confess that all Events are not God's Doing, or that his Doing, his Giving Possession of any thing is no Evidence of any Right or Authority to possess it. In short, his Reply is a Confession that his general Arguments from Providence are unconclusive: God's Providence is nothing when it conveys the unjust Possession of an Estate; but when it conveys a Crown to an unjust Usurper, it is an uncontrollable Evidence of his positive Will and Authority; this Distinction cannot be deduc'd from Providence itself, for in both Cases the Concurrence is the same, he must go to something else to prove it, either Reason or Scripture, and all his Arguments from both I have examined already.

2. The same difference that is assigned in the Reply between a Crown and an Estate, may be applied to other Cases; I will instance in a Bishop's Right to his Temporalty, and to spiritual Jurisdiction; to the former nothing is required besides a mere humane Right, but to enjoy the later, he must have God's Authority; suppose now that both are usurped by an illegal and schismatical Intruder, who is certainly in some sense *Episcopus divina Providentia*: The Dr. will confess, that Providence has given him no Right to the Temporalties; the Question then is, whether he has a Right to the Spiritual Jurisdiction, which is God's Authority? It may be urged, that there is indeed an ordinary lawful way, whereby Bishops are invested with that Authority; but God's Authority is not inseparably annexed to that ordinary Vocation, he can make a Bishop without it, and when he does so, a mere lawfull Vocation is not a sufficient Reason to adhere to a Bishop deposed by God, nor can the want of it justifie the disowning of a Bishop whom God has advanced. The plain Resolution of such a Case is this: God can make a Bishop without an ordinary Vocation, but this he never does, and he that pretends to an extraordinary Call, is bound to prove it by indubitable Evidence; if he cannot, we must reject the extraordinary, and adhere to the ordinary Bishop, and they that do otherwise are schismatical Dividers of Catholick Communion. And thus it is in the Case of Kingdoms; God can depose a lawful King, and set up an Usurper without antecedent Right; but before we can transfer our Allegiance, we must be sure that God has done this: The pretender to an extraordinary Commission must produce extraordinary Evidence, but the ordinary Events of Providence are not sufficient to prove it; for the Thief and the schismatical Bishop are in Possession by Providence, as well as the Usurper; and many things do happen under the Direction of Providence, which God himself does condemn and punish, which Men are bound by God to resist to the utmost of their Power.

3. There is no such great Disparity, as is pretended, between Right to a Crown and Right to an Estate. Right in general is a moral Quality, whereby we may possess or doe any thing justly, it extends to Government of Persons, as well as possession

on of Things, and when it is applied to the former it is called Authority: the Rule and measure of Right is Law, and the Obligation of all Law does proceed onely from the Authority of God. A Right to an Eſtate is a moral Power of poſſeſſing and enjoying it juſtly; a Right to the Government of a Family or Kingdom, is a moral Power to command thoſe Societies; and where there is no Right to command, there can be no Obligation to obey; theſe Rights may be acquired by the poſitive Laws of God, the Laws of Nature, and the Laws of Civil Societies, which are onely ſo many ſeveral ways of God's revealing his Will to Mankind; and therefore all Right either to Government or Eſtates, muſt be ultimately reſolved into the Authority of God, the only Lawgiver; concerning the Right to govern there is no Queſtion; and as to Eſtates and other private Poſſeſſions, it ſeems evident, that no humane Law, conſidered as merely humane, can create any Right to any thing: for humane Law is nothing but the Will of Men, and the Act of one Man conveying a Poſſeſſion to another, cannot oblige a third Perſon to abſtain from it; and therefore cannot appropriate it as the Right of the other; the Obligation muſt proceed from ſome Authority ſuperiour to both, which does bind the one by the Act of the other, and that can be no other but God's Authority. In ſhort, Right is the Effect of Law, and Law hath its Obligation from God; and hence it follows, that as God's Authority is neceſſary to make a King, ſo is it neceſſary likewiſe to create a Right to an Eſtate; and therefore in this reſpect there is no difference between the one Right and the other; for both are ultimately founded on God's Authority. God by his Sovereign Dominion can diſpoſe of Eſtates as well as Crowns againſt Law, but humane Laws cannot diſpoſe of either without God's Authority, but the Power of God to doe a thing is no Proof that he does it, and Providential Poſſeſſion is ſtill as good Evidence of God's Authority to an Eſtate, as of his Authority to govern.

There remains yet another Reply to the Objection, which muſt alſo be conſidered, it is this: That *all private Injuries are reſerved by God himſelf to the redreſs of Civil Governours and Courts of Judicature, and therefore his Providence has no effect at all on ſuch perſonal Rights: But the nature of the Thing proves, that when ſuch Diſputes ariſe which are too big for humane Judicature, which God hath reſerved to his own Judgment, as the Correction of Sovereign Princes, and the transferring of Kingdoms; here the final Determinations of Providence in ſettling Princes on their Thrones, does draw the Allegiance of Subjects after it.* This contains the force of his Evaſion, and the firſt Anſwer to the former may ſuffice to this; that though this difference be admitted between private Robbery, and the Uſurpation of a Crown, yet there is no difference between them as to the concurrence of Providence; for Robbery is a providential Event, and if every Event is God's Will and Appointment, the Robbery is confirmed by God's Will, and if the Civil Magiſtrate does redreſs it, he fights againſt God, by contradicting his Order and Appointment. But,

2. There is often no ſuch Difference between Robbery and Uſurpation; there is none when the *Bandits* are ſo ſtrong and powerfull, that the Civil Powers are not able to ſubdue them, for then their Injuries are too big for legal Redreſs; there is none in a ſtate of Nature when there is no Civil Government; there is none when Anarchy is introduced by Civil War, and the Adminiſtration of Juſtice is obſtructed by Rebellion; and laſtly there is none, when the injurious Poſſeſſion of an Eſtate cannot poſſibly be cleared by legal Evidence: In all theſe Caſes it is impoſſible that Oppreſſions, Thefts, and Robberies, ſhould be redreſſed by humane Judicature; it is God alone that can redreſs them, and therefore according to the Doctour's way of arguing, *the final Determination of Providence* does in ſuch Caſes *create a Right*, and the unjuſt Poſſeſſour is not bound to Reſtitution.

But, saith the Doctor, *to make the Case parallel, he who unjustly seizes another Man's Estate, must be throughly settled in it; but what no private Man can be when under the Government of Laws, and has not legal Possession, and when he has, whether Right or Wrong, he must not be violently dispossessed again.* But, 1. If we may suppose a State of Nature, we may suppose a private Man, who is not under the Government of civil Laws, to be throughly settled in an Estate, which is by Right another's, and then the Case is parallel; the unjust Possessor has a Providential Right, and being under no Government, his claim by Providence is the same as the Doctor makes for Usurpers, and it proves a divine Right to the purchase of Injustice. 2. When an Estate is unjustly possessed, and yet the just Right cannot possibly be proved by legal Evidence, here is a through legal Settlement of the unjust Possession, for which there is no legal redress, and therefore this Case is parallel in that respect to the Usurpation of a Kingdom; the Question upon it is, Whether the Intruder has a divine Right by Providence, and may therefore lawfully keep what God has given him? 'Tis true the injured Person cannot restore himself by Force, because he has no Authority to use it, but 'tis certain the unjust Seizor is bound to Restitution, though the Law cannot compel him, and therefore has acquired no Right by his providential Possession: And so is the Usurper of a Crown obliged in Conscience to restore it, and that is a plain Demonstration that he has no Right to it; but if he will not restore it, the dispossessed Prince has Authority to compel him, he may make a lawful War upon him, he has still the Power of the Sword, and that is a Demonstration that he has God's Authority: And thus much concerning the Objection about Thieves and Pirates. But there remain somethings more to be considered.

Pag. 47.

The Doctor observes in his Vind. p. 11. Vindication, That his Adversary is blundered for want of clear and distinct Notions concerning legal Powers, and he pretends to clear all the Difficulties by stating the Terms. Now, says he, *We may understand legal, either with respect to the Laws of Nature, the Law of Nations, or the Law of a particular Kingdom; and in this last Sense legal is understood by all Men, who understand themselves in the Controversie of legal Powers.* Well, if I understand not my self, I cannot help it, for I understand as well as I am able, and by legal Powers I have always understood such Powers as are according to Law, either the Law of God, of Nature, of Nations, or of political Societies. In the present Controversie the great Question is, to what Powers our Allegiance is due, we think it is due to legal Powers, and if it would be clearly proved, that an Usurper is a legal Power according to any Law whatsoever, this Controversie would be ended.

He grants however, *That legal Powers may be understood* Pag. 12. *in a larger Notion, as that may be said to be legal, which is agreable to the Laws of Nature and Nations*; and he adds, *In this Sense Submission may make a legal King of him, who by the Laws of the Land can be only King* de Facto. Now this, as he says, is *worth considering*, and a very little consideration will shew the Inconsistency of this Doctrine. For according to the Doctor's Hypothesis, the King *de Facto* has a legal Right by the Laws of Nature and Nations, and the dispossessed Prince has still a legal Right by the Laws of the Kingdom: And hence it follows undeniably, that at the same time two opposite Kings may have a legal Right to the same Throne, the one by the Law of Nature and Nations, and the other by the Law of the Kingdom. But it is easie to shew, that this does imply a manifest Repugnancy, and I will exemplifie it in the Instances of *Charles* and *Oliver*. *Charles* is the legal King by the Law of *England*, and *Oliver* (who is in Possession with the Submission of the People) by the Laws of Nature and Nations; and hence it follows that *Charles* has a Right to be King, and *Oliver* has a Right to be King; but *Charles* has no

no Right because it is in *Oliver*, and *Oliver* has no Right because it is in *Charles*. But though *Charles* has a Right to the Crown, yet he has no Right to poſſeſs it, for *Oliver* is a rightful Poſſeſſor of it, and yet he has no Right to keep it, becauſe *Charles* has a Right to take it from him. There cannot poſſibly be a greater abſurdity either in Law or Nature, than to ſay that the Poſſeſſor and the Diſpoſſeſſed, the Plaintiff and Defendant, have at the ſame inſtant a true and real Right to the ſame thing in Queſtion. When two oppoſite Rights are pleaded, the one is undoubtedly none, if the Poſſeſſor has a good Right by the Law of Nature, the Right of the Diſpoſſeſſed muſt needs be extinguiſhed, for he cannot have a Right to poſſeſs that which is anothers by the Law of Nature, and if he has no Right to poſſeſs, he has no Right to recover, and his legal Right at laſt is only a Right to nothing. If the Doctor therefore can prove that his Uſurper has a Right by the Law of Nature and Nations, I will acknowledge that Allegiance is due to him, and there is an end of the Controverſie; but in all his Harangues about the ſtate of Nature, the ſtate of Force, and the Submiſſion of the People, there is no Argument that proves it. In a ſtate of Nature, when Men are free from any Government, a free Conſent, or a forced Submiſſion, are enough to make rightful Princes by the Law of Nature: But the Caſe is different, when rightful Princes are eſtabliſhed, and Subjects are ſworn to pay Allegiance to them; for then the Subjects are not *ſui juris*, they have no Right to conſent, and therefore their Conſent is nothing.

But a ſtate of Force the *Vind.* p. 13. Doctor thinks is parallel to a ſtate of Nature, and when a Nation is Conquered, or private Subjects are under the Power of an Uſurper, then he thinks that *force will juſtifie Submiſſion*; and ſo do I too, and his own inſtance does ſufficiently prove it, for he tells us, *When we happen to fall into the* Page 14. *Hands of Robbers, where the Government cannot protect us, we may very reaſonably ſue for our own Preſervation, promiſe and ſwear to them ſuch Things, as are againſt the Laws of the Land, and which it would be unlawful for us to do in other Circumſtances.* It is lawful no doubt to ſubmit to Robbers, and in ſome Caſes it may be lawful to diſpenſe with a humane Law for our own Preſervation, becauſe it was not the intention of the Law given to oblige in caſes of Extremity. But hence he infers, as he thinks, with greater Reaſon, That *if the Government can't protect its Subjects from a greater Force, they are at liberty to ſubmit to the greater Power.* Where the greater Reaſon lies I know not, the force of an Uſurper is no greater than the force of a Robber is to thoſe who are under it, and if Force does juſtifie Submiſſion, there is the ſame Reaſon for Submitting to both: But what is all this to Allegiance, which is a great deal more than Submiſſion? Force will juſtifie Submiſſion to Robbers, but will it juſtifie the aſſiſting of Robbers, or the joyning in Robbery with them? Or will it juſtifie the aſſiſting of an Uſurper againſt a rightful Sovereign?

But *our Obligations to Humane Governments are reaſonably ſuppoſ'd to except the Caſe of greater Force.* Page 14.

What, in all Caſes whatſoever? The Caſuiſts teach us, that there are many Caſes in which Humane Laws do oblige even unto certain Death, as * particularly when to undergo the danger of Death is the expreſs Obligation of the Law, and ſuch is the Obligation of legal Allegiance, as appears from the ancient Oath of Ligeance, wherein the Subject is ſworn, *to bear true Faith to the King of Life, and Member, and terrene Honour*, that is, (as the Lord *Coke* expounds it) *until the letting out of the laſt drop of our deareſt Heart Blood.* 2. When it is notorious that

* Bp. Taylor *Duc. Dub.* 448. *Suarez de Leg.* lib. 3. c. 3. n. 3. Calvin's Caſe.

Taylor *ibid.* 229. Soares *ibid.* n. 7.

the Tyrant Power threatens Death to Subjects, to tempt them to transgress the Law, and to bid defiance to the Authority of their Superiour, they are then oblig'd to obey and dye, the Law does then require our Fortitude and Patience, and the Lawgiver cannot be presum'd to allow the renouncing of his own Authority, or to make an Exception that Subjects may become Enemies to it.

Vind. p. 14.

But *the dissolution of the Government, or the Power of the Prince to protect himself, or his Subjects in his Government, puts an end to the Obligation of Oaths.* This Assertion depends on his Fundamental Principle, that a dispossess'd Prince has no Right to Allegiance, & with that Principle it stands or falls: I shall only observe that it follows thence; that our Oaths are cancell'd by *every* Rebellion, for that (as far as it goes) is a dissolution of the Government; and it follows also that when a Subject falls under the Power of Robbers, who require him upon pain of Death to renounce his Sovereign, he is then at liberty to renounce him and to swear Allegiance to the Robbers, for the Prince has no Power to protect his Subject in his Government, and that puts an end to the Obligation of his Oath.

Pag. 18.

Pag. 40.

He asserts that every private Man, or any City, or Garrison, when they are overpower'd, may submit to the Conqueror, and become his Subjects, which implies that they may lawfully transfer their Allegiance to him. But *pag.* 40. he affirms, that while the Prince is *in the actual Administration of the Government*, though the Subject *be violently torn from him*, yet *that relation of a Subject may still continue, because he has a Prince to whom he is related*; and thence it necessarily follows, that he owes the Duty of a Subject to his lawful Prince, and therefore cannot transfer it to the Conqueror. How shall we reconcile these Repugnancies? But if his Arguments from Force are valid, they will justify the Translation of Allegiance wherever there is Force enough to exact it; as he saith himself, *it is no matter from which quarter the Force comes, if a Man is under a Power which he cannot resist, which will undo and ruine him* if he transfer not his Allegiance; *it is allow'd him as if his King and Country were absolutely conquer'd*, and these are invincible Arguments for Allegiance not only to a *Kot*, a *Cromwell*, or a *Massianello*, but also to a Captain of the *Bandits*, or the *Reppersees*, when he gets a Subject in his Power.

Pag. 131.

But we have nothing to do with the Cases of irresistible Force and Conquest; suppose a Nation in *America* under a King acknowledg'd by all to be lawful, and the Subjects bound to him by the strictest Ties and Oaths of Allegiance; notwithstanding which they call in a Foreign Prince to invade him, actually rebel against him, & force him to leave his Kingdom for the Safety of his Life; afterwards a *Convention* of the *Estates* assembles, which solemnly depose their Sovereign, and place his Enemy in the Throne, and proclaim him over the Nation, and enjoin all that have Offices and Preferments, upon pain of forfeiting them to Swear Allegiance to him, and this they voluntarily doe without any force upon them: In such a Case as this, to talk of Force and Conquest is only Banter; the Subjects voluntarily rebel, depose, and abjure their Sovereign; and if all this be Perjury and the highest Injustice, it can be no Warrant or Excuse to particular Persons, that if they had not complyd, they had lost their Preferments, or *that they followd a Multitude to do Evil.*

The Doctor lays the whole stress of the Controversy upon the Consent and Submission of the People, he annexes and limits God's Authority to it, it is his great Criterion of a Settlement, and he makes it a Legal Right by the Law of Nature and Nations. But what he means, or whether he means the same thing by Submission and Consent, we are left to conjecture; we know that *Oliver* had the intire Submission of the Nation, the Doctor acknowledges that it was lawful to submit, and since they actually

actually submitted; it follows from his Principle that *Oliver* had a Legal Right by the Laws of Nature and Nations. *A National Submission*, as he says, *must be declar'd by one means or other*: I confess Submission to *Oliver* was not declar'd by a Recognition of a Free legal Parliament; but it was declar'd by the quiet and peaceable living of all the Estates, and of the whole Nation under his Government, by their paying him Taxes to support it, by their taking Commissions, and receiving Justice and Protection from it, and if all this be no declaration of Submission, there can be no such thing in the World; no Recognitions nor Oaths of Allegiance can be equivalent, for those we see are taken and made in many Senses, they are often obtain'd by Menaces and Promises, by Cabal and Faction, and it is clear from History that the Nation never thought themselves obliged by them to adhere to Usurpers; and yet the quiet and peaceable Submission of a whole Nation to a Government in the Case of *Cromwell*, is of no validity with the Doctor to entitle him to a legal Right, and God's Authority.

See Vind. pag. 15.

Pag. 69.

There is another Difficulty about Consent and Submission, which the Doctor may resolve when he pleases, whether the Consent of the whole, or the major part of a Society, be requir'd to the translation of Allegiance, or whether a lesser Part, a County, a Hundred, a Village, or a City, may submit for its self, and make a King by it self, and pay their Allegiance to him. If a single Town should make a little King for it self, according to the Doctor's Notion, there would be, *a Settlement of the Government within it self*, so he says, Alexander's *Authority was settled at* Jerusalem, *before* Darius *was finally conquer'd*, and yet *Jerusalem* was no more to the *Persian* Empire than a Village is to *England*; and thus upon the late *Abdication*, as we are taught to call it, there might have been a new *Heptarchy* of Governments, nay as many as there are Counties, Towns, or Villages in the Kingdom, every Government would have been *through-*

Pag. 73.

by right in it self, even without *a peaceable Possession and Settlement*. Thus when *Monmouth* was at *Taunton*, and the People generally submitted to him as their King, his Government was settled in that Town; and private particular Men, being under the Power of the new King, might have lawfully paid Allegiance to him.

The Doctor thinks it very absurd to found the Right of Government upon Humane Laws, or the Legal Consent of the People, but if they consent against Law, their Consent does make a Lawful King by the Law of Nature and Nations; he accounts it a monstrous Absurdity to say,

that God cannot give his Authority himself without the People, nor otherwise than as they have directed him by their Laws; if Princes receive their Authority from Humane Laws, he cannot imagine *that their Power is any more than a Trust*, for which they are accountable; he thinks it a bold Contradiction to say, *that God cannot remove or set up Kings* against Law: This is *shackling of his Providence*; and in fine, *whoever will confine the Power of God in setting up Kings, to Humane Laws, ought not to be disputed with*. But now instead of Humane Laws, insert the Consent of the People against Law, and all these Absurdities and Contradictions are easily reconcil'd to Reason and Religion, and he that will not shackle God's Authority and Providence to Submission and Consent, shall not be thought *fit to be disputed with*.

Case of Allegiance, pag. 25.

Pag. 36.

Pag. 37.

Pag. 20.

I grant that the Laws of Nature and Nations do make him a lawful King, who has the Consent of a Free People who are under no antecedent Obligation; But when they are, they have no Power to Consent, and then their Consent is a Nullity by the Law of Nature it self; for it is a Rule in that Law, *That Actions which are forbidden by it for defect of Power are not only unlawful, but also void; this is true in Contracts and Acts of Donation, in Vows and Dedication, and all relie upon the same*

Bp. Taylor Duc. Dub. 197.

same Reason. He that cannot give, [illegible] he that cannot be given, cannot contract, or be contracted with. Therefore in what Cases soever, the People have no Power to consent to the advancement of a new Sovereign, their consent is nothing in Law, and therefore cannot make a rightful King, according to the Laws of Nature and Nations.

Now suppose as before, that a Rebellious People by the assistance of Foreign Power drive their King out of his Kingdom, refuse to restore him, or so much as to treat with him, and then set up an Usurper over them; here the Question is, whether their Advancement of the Usurper was lawful, and whether they had Power to consent to it; if the Doctor can prove the People have Power to rebel, depose, and set up Usurpers, let us see him prove it; but if he cannot prove it, he will never prove that such a People had Power to consent, or that a consent which is nothing can effect any thing, can create a lawful Right by the Law of Nature or Nations; their consent is void and unlawful, it is a breach of their Allegiance, and that cannot absolve them from it; it is Perjury, and that is no release from their Oaths, and in short it binds them only to Repentance and Restitution.

Case of Al. p. 26. He allows that the lawful Prince, who is dispossessed has a lawful Right to make War for the recovery of his Kingdom: I demand, Is not this lawful by the Laws of Nature and Nations? It is lawful by those Laws, or by none; for it is no proper Matter for political Laws, and they prescribe nothing about it. But the Doctor will grant that, and if he will not, it is easie to prove it by a cloud of Witnesses, and by the practice of Nations: But now if the dispossessed Prince by the Law of Nature, and Nations, has a Right to recover his Kingdom, he has certainly a Right by the same Laws to possess it; and consequently the Usurper has no Right to it by those Laws, unless they are contradictory to themselves by giving two incompatible Rights to the same Possession. And this is a plain Demonstration (whatever becomes of the Usurper in the *Vindication*) that the Usurper in the *Case of Allegiance* is not a rightful Prince, according to the Laws of Nature and Nations.

One thing more may seem necessary to be considered, because it looks like Argument from Reason, and that is the Discourse concerning the Relation between a King and a Subject; but I have the Doctor's Warrant *to let it pass as a logical Banter*; the result of it is this, that the *Fundamentum Relationis* is God's Authority, and that, says he, is always annexed to the settled Possession of the Throne; but this again is the Fundamental Proposition in Dispute between us; I have endeavoured to answer all the Arguments that are drawn from Scripture and Reason to prove it, and the Reader is left to judge whether they are sufficiently Answered.

Vin. p. 37, 38, 39.

ADVERTISEMENT.

The Reader may please to take Notice, That the following Postscript *doth not relate to this Book, nor yet to the Author; but it was an Addition to the* Answer to Dr. *Sherlock*, in Defence of the Case of Allegiance to the King in Possession, *and written to the same Friend; but the Impression of it being then prevented, it was thought convenient to annex it to this.*

POSTSCRIPT.

POSTSCRIPT.

IT will, Sir, be no small Surprize to you to tell you, after all, that the *Case of Allegiance to a King in Possession*, with all the *Mistakes*, *Nonsense*, and *Trifling* which the Doctour now discovers in it, had notwithstanding the Doctour's *Imprimatur* before it saw the Light, as you may fully assure your self from the following *Testimony of a Person* of very good Credit, who some time since gave me this following Account.

" The Case of Allegiance to a King in Possession in M. S. was recommended to Dr. *Sherlock*, who read it over, and mightily approved it, and wished it were *then* actually " printed, especially for the sake of Dr. —— who had written a Letter to him (which " he also then read) wherein he endeavoured to persuade him that Allegiance was due " to the *Regnant Power*. He urged to have it *printed* as soon as might be, and that " Care might be taken that Dr. ——— should have a Copy; which shews a strange " Temper in the Master, to treat a Book and an Authour at such a rate, which a little " before he did so approve and commend.

The Authour ought to take this for a very great Honour done him by the Doctour, as great as if the Book had been *Licenced* under his hand; and it will be some Comfort to him, to hear that once he stood so fair in the Doctor's Opinion, notwithstanding his customary Complements of *Nonsense and Trifling*. But it is more material to observe, that the Doctour seems by this Account to have been more *busie against the Oaths while he refused them*, than he is willing to acknowledge. He disclaims being *ever engaged in any Faction against taking the Oaths*, or *making it his business to dissuade Men from it*, or *seeking out Men to make Proselites*, but confesses only that he *declared his Thoughts* against them *when he was asked*. But it seems to be a little *more*; for a Man to be a *Party* to the *Printing* of a *Book* tending to *dissuade Men from taking the Oaths*, and *to make Proselites against it*, for him to *wish it were actually printed*, to *urge the printing it as soon as possible*, and to direct whither a *Copy* should be sent. If this be more than what the Reverend Doctour would seem to own, he may have forgot that he was so far engaged in one Overt-Act for the *making Proselites against the Oaths*; and it would be more charitable for him to distrust *his own Memory*, than to cast a Slander upon the *Inventions* of his *Neighbours*. Pref. p. 2.

I would beg your leave to add one thing more, with regard to the Doctor's Raillery against the Notion of *Presumptive Consent*. He says, it *is a very pretty Notion, and serves a great many good turns; it makes Laws, makes Treason, and gives Authority to the inauthoritative Acts of a King* de facto. It *serves a great many good turns*; so that the Dr. looks upon it as a Notion fit for no purpose but *to serve a turn*; and one would think then, that he above all Men should not ever have made use of it to *serve his turn* upon occasion. And yet if we look back into his former Writings, we shall find that no other Authour has served himself of this Notion in a more peculiar manner than the Reverend Dr. In his * *Vindication of his Defence of Dr.* Stillingfleet, he asserts the Validity of the *Ordinations by meer Presbyters* in the foreign Reformed Churches, which have *no Bishops*. And upon what does he *ground* the validity of their Orders? Why truly, upon *the Force and Authority which the* Presumptive Allowance of the Church *has in Cases of Necessity*. He takes some pains to prove that the *Church's Consent may be presumed* to these Ordinations, from the Reasonableness of the Thing, and from the Practice of the Church in parallel Cases; but makes no Difficulty in the least to conclude, that the Church's presumed Consent has *sufficient Force and Authority* to make these Ordinations by mere Presbyters, and the Administration of the Sacraments by Persons ordained by them, *valid* p. 58. *Ed. 1682. pag. 345.

...*Act and official*. His words are, *If the Church may be presumed to Consent to Acts necessary to allow Persons to perform such religious Offices and Administrations, as whereunto they are qualified to perform*; then *the very* Allowance *supplies the Incapacity of the Person, and does virtually confer that Authority upon him, which in other Cases he has not*. And if we consider his farther prosecution of this Argument, it will appear that the Doctor would make as little difficulty to affert, that the Administration of the Sacraments by mere Laymen, in a Church where they have no *Bishops* or *Presbyters* to administer them, is rendered *valid* and *effectual* by virtue of the same *Presumptive Allowance* of the Church.

Now will the Dr. be pleased to look back upon his way of arguing in that *Treatise*, and see how all his *Reasons* are directly levelled against it? The Presumptive Allowance of the Church *is a very good Notion, and serves a great many good turns*; it *makes Ordination*, and it *makes Priests*; it *makes Orders* conferred by simple Presbyters *true Orders*, and it *makes the Sacraments* administred by Persons who have not Episcopal Ordination (nay even by mere Laymen) *true Sacraments*, and it *makes a Church* without Bishops, nay without Bishops or Presbyters, *a true Church*; *it gives Authority to the Presbyterian Acts* of Ordaining in mere Presbyters, and to the *Anabaptistical Acts* of Administring the Sacraments in Persons ordained by Presbyters, nay even in Laymen, where they have no Bishops or Presbyters. Does now the Dr. take this Raillery for a sufficient Confutation of his *own pretty Notion* of the *Church's Presumptive Allowance*? If he does not, why must we take it for an Argument against Bp. *Sanderson's* Notion of the *Presumed Consent of the King* de Jure? Can the *Church's* Presumed Consent do *all this*, and must the *King's* Presumed Consent do *nothing*? And whence is it that the Dr. ascribes so great Force and Authority to the Church's Presumed Consent?

[Ibid. He grounds it upon the *Church's Power to dispense with positive Institutions in case of Necessity, and by her own Approbation and Authority to supply the Defects and Irregularities of such Administrations*. But why must the Church have such a *Power*? Why? *Because otherwise the Power of the Church is more defective than of any* other Society *of Men*. Then *other Societies of Men*, i. e. *Civil Societies*, have such a Power, by the same reason as the *Church* has it; and if this Power in the Church implies so great Force and Authority in the *Church's Presumed Allowance*, then the same Power in the State implies as great Force and Authority in the *Civil Magistrate's presumed Consent*.

I do not look upon it as so very strange, that the learned Dr. should *contradict himself* at the distance of 7 Years, because in that time a man may become *another Person*, and his very Principle of *Unity*, i. e. his *Self-consciousness*, may be changed: But it looks very odly, that others should be *lashed* with the Dr.'s *Raillery*, and *run down* with his *Confidence*, for no other Reason but that the Dr. is not at leisure to *review* his Writings for 7 *Years* backward, and so *forgets* and *contradicts* his old Notions. He is very free to say, *he hath renounced no Principle but one that ever he taught*; but 7 *Years* is a very long time, and within a little more than 7 *Years* we find the learned Dr. tripping, and *renouncing one more pretty Notion* besides that

pag. 41. *Principle*. He declares now, that for his part *he lays no stress upon a Presumed Consent*; but then he was pleased to lay the *greatest stress upon it*, to make it the ground of the Validity of the *Orders and Sacraments* in the foreign Reformed Churches, which have no Bishops, and consequently the ground of the *very being* of those Churches. Now he is pleased to expose the Notion which then did him such eminent Service, as a Notion good for nothing but *to serve a turn*: And is not this very pretty? For after all the Dr. himself seems to be the *only Person* who hath made use of this Notion, *to serve a turn*? for he *laid the great stress upon it* once, when it was for his turn, but declares *he lays no stress upon it*, nay thinks it to ridicule and explode it, since that it is not for his turn.

FINIS.

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